

By the Committee on Fiscal Policy; the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator DiCeglie

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1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; creating s. 17.69, F.S.; creating the
4 federal tax liaison position within the department;
5 providing the purpose of the position; requiring the
6 Chief Financial Officer to appoint the federal tax
7 liaison; providing that such liaison reports to the
8 Chief Financial Officer but is not under the authority
9 of the department or any employee of the department;
10 authorizing the federal tax liaison to perform certain
11 actions; amending s. 20.121, F.S.; renaming the
12 Division of Investigative and Forensic Services in the
13 Department of Financial Services as the Division of
14 Criminal Investigations; deleting provisions relating
15 to duties of such division and to bureaus and offices
16 in such division; abolishing the Division of Public
17 Assistance Fraud; amending s. 112.1816, F.S.; revising
18 the benefits a firefighter is entitled to upon a
19 diagnosis of cancer; amending s. 121.0515, F.S.;
20 revising requirements for Special Risk Class
21 membership; amending s. 284.44, F.S.; deleting
22 provisions relating to certain quarterly reports
23 prepared by the Division of Risk Management; amending
24 s. 440.13, F.S.; providing the reimbursement schedule
25 requirements for emergency services and care under
26 workers' compensation under certain circumstances;
27 requiring the department to engage with an actuarial
28 services firm under certain circumstances for a
29 specified purpose; providing for future expiration;

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30 authorizing the department to adopt rules; amending s.
31 440.385, F.S.; providing requirements for certain
32 contracts entered into and purchases made after a
33 specified date by the Florida Self-Insurers Guaranty
34 Association, Incorporated; providing duties of the
35 department and the association relating to such
36 contracts and purchases; providing that certain
37 contracts are exempt from certain provisions; amending
38 s. 497.101, F.S.; revising the requirements for
39 appointing and nominating members of the Board of
40 Funeral, Cemetery, and Consumer Services; revising the
41 members' terms; revising the authority to remove board
42 members; providing for appointments to fill vacancies
43 on the board; providing that board members are subject
44 to the code of ethics under part III of ch. 112, F.S.;
45 providing requirements for board members' conduct;
46 specifying prohibited acts; providing penalties;
47 providing requirements for board meetings, books, and
48 records; requiring notices of board meetings;
49 providing requirements for board meetings; amending s.
50 497.153, F.S.; authorizing service by e-mail of
51 administrative complaints against certain licensees
52 under certain circumstances; amending s. 497.155,
53 F.S.; authorizing service of citations by e-mail under
54 certain circumstances; amending s. 497.172, F.S.;
55 revising the circumstances under which information
56 made confidential and exempt may be disclosed by the
57 department; amending s. 497.386, F.S.; authorizing the
58 department to take certain actions in the event of an

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59 emergency situation; requiring the department to make
60 certain determinations; prohibiting a licensee or
61 licensed facility that accepts the transfer of human
62 remains and cremains from being held liable for the
63 condition of human remains and cremains under certain
64 circumstances; revising criminal penalties for
65 violations of provisions related to storage,
66 preservation, and transportation of human remains and
67 cremains; creating s. 497.469, F.S.; authorizing a
68 preneed licensee to withdraw a specified amount
69 deposited into trust under certain circumstances;
70 providing that certain documentation is satisfactory
71 evidence to show that a preneed contract has been
72 fulfilled; requiring a preneed licensee to maintain
73 certain documentation for a specified timeframe;
74 amending s. 624.307, F.S.; requiring eligible surplus
75 lines insurers to respond to the department or the
76 Office of Insurance Regulation after receipt of
77 requests for documents and information concerning
78 consumer complaints; providing penalties for failure
79 to comply; requiring authorized insurers and eligible
80 surplus lines insurers to file e-mail addresses with
81 the department and to designate contact persons for
82 specified purposes; authorizing changes of designated
83 contact information; amending s. 626.171, F.S.;
84 requiring the department to make provisions for
85 certain insurance license applicants to submit
86 cellular telephone numbers for a specified purpose;
87 amending s. 626.221, F.S.; providing a qualification

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88 for an all-lines adjuster license; amending s.
89 626.601, F.S.; revising construction; amending s.
90 626.7351, F.S.; revising qualifications for a customer
91 representative's license; amending s. 626.878, F.S.;
92 providing duties and prohibited acts for adjusters;
93 amending s. 626.929, F.S.; specifying that licensed
94 and appointed general lines agents, rather than
95 general lines agents, may engage in certain activities
96 while also licensed and appointed as surplus lines
97 agents; authorizing general lines agents that are also
98 licensed as surplus lines agents to make certain
99 appointments; authorizing such agents to originate
100 specified business and accept specified business;
101 prohibiting such agents from being appointed by a
102 certain insurer or transacting certain insurance;
103 amending s. 627.351, F.S.; providing requirements for
104 certain contracts entered into and purchases made
105 after a specified date by the Florida Joint
106 Underwriting Association; providing duties of the
107 department and the association regarding such
108 contracts and purchases; amending s. 631.59, F.S.;
109 providing requirements for certain contracts entered
110 into and purchases made after a specified date by the
111 Florida Insurance Guaranty Association, Incorporated;
112 providing duties of the department and the association
113 regarding such contracts and purchases; providing
114 applicability; amending ss. 631.722, 631.821, and
115 631.921, F.S.; providing requirements for certain
116 contracts entered into and purchases made after a

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117 specified date by the Florida Life and Health
118 Insurance Guaranty Association, the board of directors
119 of the Florida Health Maintenance Organization
120 Consumer Assistance Plan, and the board of directors
121 of the Florida Workers' Compensation Insurance
122 Guaranty Association, respectively; providing duties
123 of the department and of the associations and boards
124 regarding such contracts and purchases; amending s.
125 633.124, F.S.; updating the edition of a manual for
126 the use of pyrotechnics; amending s. 633.202, F.S.;
127 revising the duties of the State Fire Marshal;
128 amending s. 633.206, F.S.; revising the applicability
129 of requirements for uniform firesafety standards
130 established by the department; amending s. 634.041,
131 F.S.; specifying the conditions under which service
132 agreement companies do not have to establish and
133 maintain unearned premium reserves; amending s.
134 634.081, F.S.; revising the conditions under which
135 service agreement companies' licenses are not
136 suspended or revoked under certain circumstances;
137 amending s. 634.3077, F.S.; revising requirements for
138 certain contractual liability insurance obtained by
139 home warranty associations; providing that such
140 associations are not required to establish unearned
141 premium reserves or maintain contractual liability
142 insurance; authorizing such associations to allow
143 their premiums to exceed certain limitations under
144 certain circumstances; providing requirements for such
145 associations; providing a penalty; amending s.

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146 634.317, F.S.; providing that certain entities and
147 their employees and agents are exempt from certain
148 licensing and appointment requirements; amending s.
149 648.25, F.S.; defining the terms "referring bail bond
150 agent" and "transfer bond"; amending s. 648.26, F.S.;
151 revising the circumstances under which investigatory
152 records of the department are confidential and exempt
153 from public records requirements; revising
154 construction; amending s. 648.30, F.S.; revising
155 circumstances under which a person or entity may act
156 in the capacity of a bail bond agent or bail bond
157 agency and perform certain functions, duties, and
158 powers; amending s. 648.355, F.S.; revising the
159 requirements for limited surety agents and
160 professional bail bond agents license applications;
161 amending s. 717.101, F.S.; defining and revising
162 terms; amending s. 717.102, F.S.; providing a rebuttal
163 to a presumption of unclaimed property; providing
164 requirements for such rebuttal; providing that, under
165 certain circumstances, certain property is presumed
166 unclaimed 2 years after the date of the apparent
167 owner's death; providing an exception; providing
168 construction; amending s. 717.106, F.S.; conforming a
169 cross-reference; creating s. 717.1065, F.S.; providing
170 circumstances under which virtual currency held or
171 owed by banking organizations is not presumed
172 unclaimed; prohibiting virtual currency holders from
173 deducting certain charges from the amount of certain
174 virtual currency under certain circumstances;

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175 providing an exception; amending s. 717.1101, F.S.;

176 revising the date on which stocks and other equity

177 interests in business associations are presumed

178 unclaimed; amending s. 717.112, F.S.; providing that

179 certain intangible property and income or increment

180 thereon held by attorneys in fact and by agents in a

181 fiduciary capacity are presumed unclaimed under

182 certain circumstances; revising the requirements for

183 claiming such property; providing construction;

184 amending s. 717.1125, F.S.; providing construction;

185 amending s. 717.117, F.S.; deleting the paper option

186 for reports by holders of unclaimed funds and

187 property; revising the reporting requirements for

188 owners of unclaimed property and funds; authorizing

189 the department to extend reporting dates under certain

190 circumstances; revising the circumstances under which

191 the department may impose and collect penalties;

192 requiring holders of certain inactive accounts to

193 notify apparent owners; revising the manner of sending

194 such notices; providing requirements for such notices;

195 amending s. 717.119, F.S.; requiring certain virtual

196 currency to be remitted to the department; providing

197 requirements for the liquidation of such virtual

198 currency; providing that holders of such virtual

199 currency are relieved of all liability upon delivery

200 of the virtual currency to the department; prohibiting

201 holders from assigning or transferring certain

202 obligations or from complying with certain provisions;

203 providing that certain entities are responsible for

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204 meeting holders' obligations and complying with
205 certain provisions under certain circumstances;
206 providing construction; amending s. 717.1201, F.S.;
207 providing that good faith payments or deliveries of
208 unclaimed property to the department release holders
209 from certain liabilities; authorizing a certain
210 defense in certain suits or actions; providing
211 construction; requiring the department to defend the
212 holder against certain claims and indemnify the holder
213 against certain liability; specifying when a payment
214 or delivery of unclaimed property is made in good
215 faith; authorizing the department to refund and
216 redeliver certain money and property under certain
217 circumstances and within a specified timeframe;
218 amending s. 717.1242, F.S.; revising legislative
219 intent; amending s. 717.1243, F.S.; revising
220 applicability of certain provisions relating to
221 unclaimed small estate accounts; amending s. 717.129,
222 F.S.; revising the requirements and the tolling for
223 the periods of limitation relating to duties of
224 holders of unclaimed funds and property; amending s.
225 717.1301, F.S.; revising the department's authority
226 with respect to the disposition of unclaimed funds and
227 property for specified purposes; prohibiting certain
228 materials from being disclosed or made public under
229 certain circumstances; providing an exception;
230 revising the basis for the department's cost
231 assessment against holders of unclaimed funds and
232 property; amending s. 717.1311, F.S.; revising the

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233 recordkeeping requirements for funds and property
234 holders; amending s. 717.1322, F.S.; revising acts
235 that are violations of specified provisions and
236 constitute grounds for administrative enforcement
237 actions and civil enforcement by the department;
238 providing that claimants' representatives, rather than
239 registrants, are subject to civil enforcement and
240 disciplinary actions for certain violations; amending
241 s. 717.1333, F.S.; conforming provisions to changes
242 made by the act; amending s. 717.134, F.S.; conforming
243 provisions to changes made by the act; amending s.
244 717.135, F.S.; revising the information that certain
245 agreements relating to unclaimed property must
246 disclose; deleting a requirement for Unclaimed
247 Property Purchase Agreements; providing applicability;
248 amending s. 717.1400, F.S.; deleting a circumstance
249 under which certain persons must register with the
250 department; amending ss. 197.582 and 717.1382, F.S.;
251 conforming cross-references; amending s. 766.302,
252 F.S.; revising the manner in which reasonable charges
253 for expenses for family residential or custodial care
254 are determined; amending s. 766.314, F.S.; revising
255 the prohibition relating to the Florida Birth-Related
256 Neurological Injury Compensation Plan accepting new
257 claims; providing a directive to the Division of Law
258 Revision; requiring the Florida Birth-Related
259 Neurological Injury Compensation Association, in
260 consultation with specified entities, to submit, by a
261 specified date, a specified report to the Governor,

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262 the Chief Financial Officer, and the Legislature;
263 specifying requirements for the report; providing
264 effective dates.

265
266 Be It Enacted by the Legislature of the State of Florida:

267
268 Section 1. Section 17.69, Florida Statutes, is created to
269 read:

270 17.69 Federal tax liaison.-

271 (1) The federal tax liaison position is created within the
272 department. The purpose of the position is to assist the
273 taxpayers of this state as provided in subsection (3).

274 (2) The Chief Financial Officer shall appoint the federal
275 tax liaison. The federal tax liaison reports directly to the
276 Chief Financial Officer but is not otherwise under the authority
277 of the department or of any employee of the department.

278 (3) The federal tax liaison may do all of the following:

279 (a) Assist taxpayers by answering taxpayer questions.

280 (b) Direct taxpayers to the proper departments or offices
281 within the Internal Revenue Service in order to hasten
282 resolution of taxpayer issues.

283 (c) Prepare recommendations for the Internal Revenue
284 Service of any actions that will help resolve problems
285 encountered by taxpayers.

286 (d) Provide information about the policies, practices, and
287 procedures that the Internal Revenue Service uses to ensure
288 compliance with the tax laws.

289 (e) With the consent of the taxpayer, request records from
290 the Internal Revenue Service to assist the liaison in responding

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291 to taxpayer inquiries.

292 Section 2. Present paragraphs (g) through (n) of subsection
293 (2) of section 20.121, Florida Statutes, are redesignated as
294 paragraphs (f) through (m), respectively, and paragraph (e) and
295 present paragraph (f) of that subsection are amended, to read:

296 20.121 Department of Financial Services.—There is created a
297 Department of Financial Services.

298 (2) DIVISIONS.—The Department of Financial Services shall
299 consist of the following divisions and office:

300 (e) The Division of Criminal Investigations ~~Investigative~~
301 ~~and Forensic Services~~, which shall function as a criminal
302 justice agency for purposes of ss. 943.045-943.08. The division
303 may initiate and conduct investigations into any matter under
304 the jurisdiction of the Chief Financial Officer and Fire Marshal
305 within or outside of this state as it deems necessary. ~~If,~~
306 ~~during an investigation, the division has reason to believe that~~
307 ~~any criminal law of this state or the United States has or may~~
308 ~~have been violated, it shall refer any records tending to show~~
309 ~~such violation to state law enforcement and, if applicable,~~
310 ~~federal prosecutorial agencies and shall provide investigative~~
311 ~~assistance to those agencies as appropriate. The division shall~~
312 ~~include the following bureaus and office:~~

313 ~~1. The Bureau of Forensic Services;~~

314 ~~2. The Bureau of Fire, Arson, and Explosives~~
315 ~~Investigations;~~

316 ~~3. The Office of Fiscal Integrity, which shall have a~~
317 ~~separate budget;~~

318 ~~4. The Bureau of Insurance Fraud; and~~

319 ~~5. The Bureau of Workers' Compensation Fraud.~~

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320 ~~(f) The Division of Public Assistance Fraud, which shall~~
321 ~~function as a criminal justice agency for purposes of ss.~~
322 ~~943.045-943.08. The division shall conduct investigations~~
323 ~~pursuant to s. 414.411 within or outside of the state as it~~
324 ~~deems necessary. If, during an investigation, the division has~~
325 ~~reason to believe that any criminal law of the state has or may~~
326 ~~have been violated, it shall refer any records supporting such~~
327 ~~violation to state or federal law enforcement or prosecutorial~~
328 ~~agencies and shall provide investigative assistance to those~~
329 ~~agencies as required.~~

330 Section 3. Subsection (2) of section 112.1816, Florida
331 Statutes, is amended to read:

332 112.1816 Firefighters; cancer diagnosis.—

333 (2) Upon a diagnosis of cancer, a firefighter is entitled
334 to all of the following benefits, as an alternative to pursuing
335 workers' compensation benefits under chapter 440, if the
336 firefighter has been employed by his or her employer for at
337 least 5 continuous years, has not used tobacco products for at
338 least the preceding 5 years, and has not been employed in any
339 other position in the preceding 5 years which is proven to
340 create a higher risk for any cancer:

341 (a) Cancer treatment covered within an employer-sponsored
342 health plan or through a group health insurance trust fund. The
343 employer must timely reimburse the firefighter for any out-of-
344 pocket deductible, copayment, or coinsurance costs incurred due
345 to the treatment of cancer.

346 (b) A one-time cash payout of \$25,000, upon the
347 firefighter's initial diagnosis of cancer.

348 (c) Leave time and employee retention benefits equivalent

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349 to those provided for other injuries or illnesses incurred in
350 the line of duty.

351
352 If the firefighter elects to continue coverage in the employer-
353 sponsored health plan or group health insurance trust fund after
354 he or she terminates employment, the benefits specified in
355 paragraphs (a) and (b) must be made available by the former
356 employer of a firefighter for 10 years following the date on
357 which the firefighter terminates employment so long as the
358 firefighter otherwise met the criteria specified in this
359 subsection when he or she terminated employment and was not
360 subsequently employed as a firefighter following that date. ~~For~~
361 ~~purposes of determining leave time and employee retention~~
362 ~~policies, the employer must consider a firefighter's cancer~~
363 ~~diagnosis as an injury or illness incurred in the line of duty.~~

364 Section 4. Paragraph (f) of subsection (2) and paragraph
365 (h) of subsection (3) of section 121.0515, Florida Statutes, are
366 amended to read:

367 121.0515 Special Risk Class.—

368 (2) MEMBERSHIP.—

369 (f) Effective July 1, 2008, the member must be employed by
370 the Department of Law Enforcement in the crime laboratory or by
371 the Department of Financial Services ~~Division of State Fire~~
372 ~~Marshal~~ in the forensic laboratory and meet the special criteria
373 set forth in paragraph (3) (h).

374 (3) CRITERIA.—A member, to be designated as a special risk
375 member, must meet the following criteria:

376 (h) Effective July 1, 2008, the member must be employed by
377 the Department of Law Enforcement in the crime laboratory or by

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378 the Department of Financial Services ~~Division of State Fire~~
379 ~~Marshal~~ in the forensic laboratory in one of the following
380 classes:

- 381 1. Forensic technologist (class code 8459);
- 382 2. Crime laboratory technician (class code 8461);
- 383 3. Crime laboratory analyst (class code 8463);
- 384 4. Senior crime laboratory analyst (class code 8464);
- 385 5. Crime laboratory analyst supervisor (class code 8466);
- 386 6. Forensic chief (class code 9602); or
- 387 7. Forensic services quality manager (class code 9603);

388 Section 5. Subsection (6) of section 284.44, Florida
389 Statutes, is amended to read:

390 284.44 Salary indemnification costs of state agencies.—

391 ~~(6) The Division of Risk Management shall prepare quarterly~~
392 ~~reports to the Executive Office of the Governor and the chairs~~
393 ~~of the legislative appropriations committees indicating for each~~
394 ~~state agency the total amount of salary indemnification benefits~~
395 ~~paid to claimants and the total amount of reimbursements from~~
396 ~~state agencies to the State Risk Management Trust Fund for~~
397 ~~initial costs for the previous quarter. These reports shall also~~
398 ~~include information for each state agency indicating the number~~
399 ~~of cases and amounts of initial salary indemnification costs for~~
400 ~~which reimbursement requirements were waived by the Executive~~
401 ~~Office of the Governor pursuant to this section.~~

402 Section 6. Subsection (12) of section 440.13, Florida
403 Statutes, is amended to read:

404 440.13 Medical services and supplies; penalty for
405 violations; limitations.—

406 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM

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407 REIMBURSEMENT ALLOWANCES.—

408 (a) A three-member panel is created, consisting of the
409 Chief Financial Officer, or the Chief Financial Officer's
410 designee, and two members to be appointed by the Governor,
411 subject to confirmation by the Senate, one member who, on
412 account of present or previous vocation, employment, or
413 affiliation, shall be classified as a representative of
414 employers, the other member who, on account of previous
415 vocation, employment, or affiliation, shall be classified as a
416 representative of employees. The panel shall determine statewide
417 schedules of maximum reimbursement allowances for medically
418 necessary treatment, care, and attendance provided by hospitals
419 and ambulatory surgical centers. The maximum reimbursement
420 allowances for inpatient hospital care shall be based on a
421 schedule of per diem rates, to be approved by the three-member
422 panel no later than March 1, 1994, to be used in conjunction
423 with a precertification manual as determined by the department,
424 including maximum hours in which an outpatient may remain in
425 observation status, which shall not exceed 23 hours. All
426 compensable charges for hospital outpatient care shall be
427 reimbursed at 75 percent of usual and customary charges, except
428 as otherwise provided by this subsection. Annually, the three-
429 member panel shall adopt schedules of maximum reimbursement
430 allowances for hospital inpatient care, hospital outpatient
431 care, and ambulatory surgical centers. A hospital or an
432 ambulatory surgical center shall be reimbursed either the
433 agreed-upon contract price or the maximum reimbursement
434 allowance in the appropriate schedule.

435 (b) Payments for outpatient physical, occupational, and

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436 speech therapy provided by hospitals shall be the schedule of
437 maximum reimbursement allowances for these services which
438 applies to nonhospital providers.

439 (c) Payments for scheduled outpatient nonemergency
440 radiological and clinical laboratory services that are not
441 provided in conjunction with a surgical procedure shall be the
442 schedule of maximum reimbursement allowances for these services
443 which applies to nonhospital providers.

444 (d)1. Outpatient reimbursement for scheduled surgeries
445 shall be 60 percent of charges.

446 2. Reimbursement for emergency services and care as defined
447 in s. 395.002 which does not include a maximum reimbursement
448 allowance must be 250 percent of Medicare, unless there is a
449 contract, in which case the contract governs reimbursement. Upon
450 this subparagraph taking effect, the department shall engage
451 with an actuarial services firm to begin development of maximum
452 reimbursement allowances for services subject to the
453 reimbursement provisions of this subparagraph. This subparagraph
454 expires June 30, 2026.

455 (e)1. By July 1 of each year, the department shall notify
456 carriers and self-insurers of the physician and nonhospital
457 services schedule of maximum reimbursement allowances. The
458 notice must include publication of this schedule of maximum
459 reimbursement allowances on the division's website. This
460 schedule is not subject to approval by the three-member panel
461 and does not include reimbursement for prescription medication.

462 2. Subparagraph 1. shall take effect January 1, following
463 the July 1, 2024, notice of the physician and nonhospital
464 services schedule of maximum reimbursement allowances that the

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465 department provides to carriers and self-insurers.

466 (f) Maximum reimbursement for a physician licensed under
467 chapter 458 or chapter 459 shall be 110 percent of the
468 reimbursement allowed by Medicare, using appropriate codes and
469 modifiers or the medical reimbursement level adopted by the
470 three-member panel as of January 1, 2003, whichever is greater.

471 (g) Maximum reimbursement for surgical procedures shall be
472 140 percent of the reimbursement allowed by Medicare or the
473 medical reimbursement level adopted by the three-member panel as
474 of January 1, 2003, whichever is greater.

475 (h) As to reimbursement for a prescription medication, the
476 reimbursement amount for a prescription shall be the average
477 wholesale price plus \$4.18 for the dispensing fee. For
478 repackaged or relabeled prescription medications dispensed by a
479 dispensing practitioner as provided in s. 465.0276, the fee
480 schedule for reimbursement shall be 112.5 percent of the average
481 wholesale price, plus \$8.00 for the dispensing fee. For purposes
482 of this subsection, the average wholesale price shall be
483 calculated by multiplying the number of units dispensed times
484 the per-unit average wholesale price set by the original
485 manufacturer of the underlying drug dispensed by the
486 practitioner, based upon the published manufacturer's average
487 wholesale price published in the Medi-Span Master Drug Database
488 as of the date of dispensing. All pharmaceutical claims
489 submitted for repackaged or relabeled prescription medications
490 must include the National Drug Code of the original
491 manufacturer. Fees for pharmaceuticals and pharmaceutical
492 services shall be reimbursable at the applicable fee schedule
493 amount except where the employer or carrier, or a service

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494 company, third party administrator, or any entity acting on
495 behalf of the employer or carrier directly contracts with the
496 provider seeking reimbursement for a lower amount.

497 (i) Reimbursement for all fees and other charges for such
498 treatment, care, and attendance, including treatment, care, and
499 attendance provided by any hospital or other health care
500 provider, ambulatory surgical center, work-hardening program, or
501 pain program, must not exceed the amounts provided by the
502 uniform schedule of maximum reimbursement allowances as
503 determined by the panel or as otherwise provided in this
504 section. This subsection also applies to independent medical
505 examinations performed by health care providers under this
506 chapter. In determining the uniform schedule, the panel shall
507 first approve the data which it finds representative of
508 prevailing charges in the state for similar treatment, care, and
509 attendance of injured persons. Each health care provider, health
510 care facility, ambulatory surgical center, work-hardening
511 program, or pain program receiving workers' compensation
512 payments shall maintain records verifying their usual charges.
513 In establishing the uniform schedule of maximum reimbursement
514 allowances, the panel must consider:

515 1. The levels of reimbursement for similar treatment, care,
516 and attendance made by other health care programs or third-party
517 providers;

518 2. The impact upon cost to employers for providing a level
519 of reimbursement for treatment, care, and attendance which will
520 ensure the availability of treatment, care, and attendance
521 required by injured workers; and

522 3. The financial impact of the reimbursement allowances

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523 upon health care providers and health care facilities, including
524 trauma centers as defined in s. 395.4001, and its effect upon
525 their ability to make available to injured workers such
526 medically necessary remedial treatment, care, and attendance.
527 The uniform schedule of maximum reimbursement allowances must be
528 reasonable, must promote health care cost containment and
529 efficiency with respect to the workers' compensation health care
530 delivery system, and must be sufficient to ensure availability
531 of such medically necessary remedial treatment, care, and
532 attendance to injured workers.

533 (j) In addition to establishing the uniform schedule of
534 maximum reimbursement allowances, the panel shall:

535 1. Take testimony, receive records, and collect data to
536 evaluate the adequacy of the workers' compensation fee schedule,
537 nationally recognized fee schedules and alternative methods of
538 reimbursement to health care providers and health care
539 facilities for inpatient and outpatient treatment and care.

540 2. Survey health care providers and health care facilities
541 to determine the availability and accessibility of workers'
542 compensation health care delivery systems for injured workers.

543 3. Survey carriers to determine the estimated impact on
544 carrier costs and workers' compensation premium rates by
545 implementing changes to the carrier reimbursement schedule or
546 implementing alternative reimbursement methods.

547 4. Submit recommendations on or before January 15, 2017,
548 and biennially thereafter, to the President of the Senate and
549 the Speaker of the House of Representatives on methods to
550 improve the workers' compensation health care delivery system.
551

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552 The department, as requested, shall provide data to the panel,
553 including, but not limited to, utilization trends in the
554 workers' compensation health care delivery system. The
555 department shall provide the panel with an annual report
556 regarding the resolution of medical reimbursement disputes and
557 any actions pursuant to subsection (8). The department shall
558 provide administrative support and service to the panel to the
559 extent requested by the panel. The department may adopt rules
560 pursuant to ss. 120.536(1) and 120.54 to implement this
561 subsection. For prescription medication purchased under the
562 requirements of this subsection, a dispensing practitioner shall
563 not possess such medication unless payment has been made by the
564 practitioner, the practitioner's professional practice, or the
565 practitioner's practice management company or employer to the
566 supplying manufacturer, wholesaler, distributor, or drug
567 repackager within 60 days of the dispensing practitioner taking
568 possession of that medication.

569 Section 7. Present subsections (9) through (13) of section
570 440.385, Florida Statutes, are redesignated as subsections (10)
571 through (14), respectively, and a new subsection (9) is added to
572 that section, to read:

573 440.385 Florida Self-Insurers Guaranty Association,
574 Incorporated.—

575 (9) CONTRACTS AND PURCHASES.—

576 (a) After July 1, 2024, all contracts entered into, and all
577 purchases made, by the association pursuant to this section
578 which are valued at or more than \$100,000 must first be approved
579 by the department. The department has 10 days to approve or deny
580 the contract or purchase upon electronic receipt of the approval

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581 request. The contract or purchase is automatically approved if
582 the department is nonresponsive.

583 (b) All contracts and purchases valued at or more than
584 \$100,000 require competition through a formal bid solicitation
585 conducted by the association. The association must undergo a
586 formal bid solicitation process. The formal bid solicitation
587 process must include all of the following:

588 1. The time and date for the receipt of bids, the
589 proposals, and whether the association contemplates renewal of
590 the contract, including the price for each year for which the
591 contract may be renewed.

592 2. All the contractual terms and conditions applicable to
593 the procurement.

594 (c) Evaluation of bids by the association must include
595 consideration of the total cost for each year of the contract,
596 including renewal years, as submitted by the vendor. The
597 association must award the contract to the most responsible and
598 responsive vendor. Any formal bid solicitation conducted by the
599 association must be made available, upon request, to the
600 department via electronic delivery.

601 (d) Contracts that are required by law are exempt from this
602 section.

603 Section 8. Present subsection (7) of section 497.101,
604 Florida Statutes, is redesignated as subsection (11), a new
605 subsection (7) and subsections (8), (9), and (10) are added to
606 that section, and subsections (1) through (4) of that section
607 are amended, to read:

608 497.101 Board of Funeral, Cemetery, and Consumer Services;
609 membership; appointment; terms.-

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610 (1) The Board of Funeral, Cemetery, and Consumer Services
611 is created within the Department of Financial Services and shall
612 consist of 10 members, 9 of whom shall be appointed by the
613 ~~Governor from nominations made by the Chief Financial Officer~~
614 ~~and confirmed by the Senate. The Chief Financial Officer shall~~
615 ~~nominate one to three persons for each of the nine vacancies on~~
616 ~~the board, and the Governor shall fill each vacancy on the board~~
617 ~~by appointing one of the persons nominated by the Chief~~
618 ~~Financial Officer to fill that vacancy. If the Governor objects~~
619 ~~to each of the nominations for a vacancy, she or he shall inform~~
620 ~~the Chief Financial Officer in writing. Upon notification of an~~
621 ~~objection by the Governor, the Chief Financial Officer shall~~
622 ~~submit one to three additional nominations for that vacancy~~
623 ~~until the vacancy is filled. One member must be the State Health~~
624 ~~Officer or her or his designee.~~

625 (2) Two members of the board must be funeral directors
626 licensed under part III of this chapter who are associated with
627 a funeral establishment. One member of the board must be a
628 funeral director licensed under part III of this chapter who is
629 associated with a funeral establishment licensed under part III
630 of this chapter which has a valid preneed license issued
631 pursuant to this chapter ~~and who owns or operates a cinerator~~
632 ~~facility approved under chapter 403 and licensed under part VI~~
633 ~~of this chapter. Two members of the board must be persons whose~~
634 ~~primary occupation is associated with a cemetery company~~
635 ~~licensed pursuant to this chapter. Two members of the board must~~
636 ~~be consumers who are residents of this state, have never been~~
637 ~~licensed as funeral directors or embalmers, are not connected~~
638 ~~with a cemetery or cemetery company licensed pursuant to this~~

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639 chapter, and are not connected with the death care industry or
640 the practice of embalming, funeral directing, or direct
641 disposition. One of the two consumer members must be at least 60
642 years of age. One member of the board must be a consumer who is
643 a resident of this state; is licensed as a certified public
644 accountant under chapter 473; has never been licensed as a
645 funeral director or an embalmer; is not a principal or an
646 employee of any licensee licensed under this chapter; and does
647 not otherwise have control, as defined in s. 497.005, over any
648 licensee licensed under this chapter. One member of the board
649 must be a principal of a monument establishment licensed under
650 this chapter as a monument builder. One member must be the State
651 Health Officer or her or his designee. There may not be two or
652 more board members who are principals or employees of the same
653 company or partnership or group of companies or partnerships
654 under common control.

655 (3) Board members shall be appointed for terms of 4 years
656 and may be reappointed; however, a member may not serve for more
657 than 8 consecutive years. ~~and~~ The State Health Officer shall
658 serve as long as that person holds that office. The designee of
659 the State Health Officer shall serve at the pleasure of the
660 Chief Financial Officer ~~Governor~~.

661 (4) The Chief Financial Officer ~~Governor~~ ~~may suspend and~~
662 ~~the Senate~~ may remove any board member for malfeasance or
663 misfeasance, neglect of duty, incompetence, substantial
664 inability to perform official duties, commission of a crime, or
665 other substantial cause as determined by the Chief Financial
666 Officer ~~Governor or Senate, as applicable,~~ to evidence a lack of
667 fitness to sit on the board. A board member shall be deemed to

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668 have resigned her or his board membership, and that position
669 shall be deemed vacant, upon the failure of the member to attend
670 three consecutive meetings of the board or at least half of the
671 meetings of the board during any 12-month period, unless the
672 Chief Financial Officer determines that there was good and
673 adequate justification for the absences and that such absences
674 are not likely to continue. Any vacancy so created shall be
675 filled as provided in subsection (1).

676 (7) Members of the board are subject to the code of ethics
677 under part III of chapter 112. For purposes of applying part III
678 of chapter 112 to activities of the members of the board, those
679 persons are considered public officers, and the department is
680 considered their agency. A board member may not vote on any
681 measure that would inure to his or her special private gain or
682 loss and, in accordance with s. 112.3143(2), may not vote on any
683 measure that he or she knows would inure to the special private
684 gain or loss of any principal by which he or she is retained,
685 other than an agency as defined in s. 112.312, or that he or she
686 knows would inure to the special private gain or loss of his or
687 her relative or business associate. Before the vote is taken,
688 such member shall publicly state to the board the nature of his
689 or her interest in the matter from which he or she is abstaining
690 from voting and, within 15 days after the vote occurs, disclose
691 the nature of his or her interest as a public record in a
692 memorandum filed with the person responsible for recording the
693 minutes of the meeting, who shall incorporate the memorandum in
694 the minutes.

695 (8) In accordance with ss. 112.3148 and 112.3149, a board
696 member may not knowingly accept, directly or indirectly, any

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697 gift or expenditure from a person or entity, or an employee or
698 representative of such person or entity, which has a contractual
699 relationship with the department or the board, which is under
700 consideration for a contract, or which is licensed by the
701 department.

702 (9) A board member who fails to comply with subsection (7)
703 or subsection (8) is subject to the penalties provided under ss.
704 112.317 and 112.3173.

705 (10) (a) All meetings of the board are subject to the
706 requirements of s. 286.011, and all books and records of the
707 board are open to the public for reasonable inspection except as
708 otherwise provided by s. 497.172 or other applicable law.

709 (b) Except for emergency meetings, the department shall
710 give notice of any board meeting by publication on the
711 department's website at least 7 days before the meeting. The
712 department shall publish a meeting agenda on its website at
713 least 7 days before the meeting. The agenda must contain the
714 items to be considered, in order of presentation. After the
715 agenda has been made available, a change may be made only for
716 good cause, as determined by the person designated to preside,
717 and must be stated in the record. Notification of such change
718 must be at the earliest practicable time.

719 Section 9. Paragraph (a) of subsection (4) of section
720 497.153, Florida Statutes, is amended to read:

721 497.153 Disciplinary procedures and penalties.—

722 (4) ACTION AFTER PROBABLE CAUSE FOUND.—

723 (a) Service of an administrative complaint may be in person
724 by department staff or any person authorized to make service of
725 process under the Florida Rules of Civil Procedure. Service upon

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726 a licensee may in the alternative be made by certified mail,
727 return receipt requested, to the last known address of record
728 provided by the licensee to the department. If service by
729 certified mail cannot be made at the last address provided by
730 the licensee to the department, service may be made by e-mail,
731 delivery receipt required, sent to the most recent e-mail
732 address provided by the licensee to the department in accordance
733 with s. 497.146.

734 Section 10. Paragraph (e) of subsection (1) of section
735 497.155, Florida Statutes, is amended to read:

736 497.155 Disciplinary citations and minor violations.—

737 (1) CITATIONS.—

738 (e) Service of a citation may be made by personal service
739 or certified mail, restricted delivery, to the subject at the
740 subject's last known address in accordance with s. 497.146. If
741 service by certified mail cannot be made at the last address
742 provided by the subject to the department, service may be made
743 by e-mail, delivery receipt required, sent to the most recent e-
744 mail address provided by the subject to the department in
745 accordance with s. 497.146.

746 Section 11. Paragraph (d) of subsection (3) of section
747 497.172, Florida Statutes, is amended to read:

748 497.172 Public records exemptions; public meetings
749 exemptions.—

750 (3) EXAMINATIONS, INSPECTIONS, AND INVESTIGATIONS.—

751 (d) Information made confidential and exempt pursuant to
752 this subsection may be disclosed by the department as follows:

753 1. To the probable cause panel of the board, for the
754 purpose of probable cause proceedings pursuant to s. 497.153.

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755 2. To any law enforcement agency or other government agency
756 in the performance of its official duties and responsibilities.

757 3. If the department uncovers information of immediate and
758 serious concern to the public health, safety, or welfare, it may
759 disseminate such information as it deems necessary for the
760 public health, safety, or welfare.

761 4. If the department issues an emergency order pursuant to
762 s. 497.156.

763 Section 12. Subsection (5) of section 497.386, Florida
764 Statutes, is amended, and subsections (6) and (7) are added to
765 that section, to read:

766 497.386 Storage, preservation, and transportation of human
767 remains.—

768 (5) In the event of an emergency situation, including the
769 abandonment of any establishments or facilities licensed under
770 this chapter or any medical examiner's facility, morgue, or
771 cemetery holding facility, the department may enter and secure
772 such establishment, facility, or morgue during or outside of
773 normal business hours, and remove human remains and cremains
774 from the establishment, facility, or morgue. For purposes of
775 this subsection, the department shall determine if a facility is
776 abandoned and if there is an emergency situation. A licensee or
777 licensed facility that accepts transfer of human remains and
778 cremains from the department pursuant to this subsection may not
779 be held liable for the condition of any human remains or
780 cremains at the time of transfer.

781 (6) A person who violates subsection (1) or subsection (3)
782 any provision of this section commits a misdemeanor of the first
783 degree, punishable as provided in s. 775.082 or s. 775.083.

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784 (7) A person who violates subsection (2) or subsection (4)
785 commits a felony of the third degree, punishable as provided in
786 s. 775.082, s. 775.083, or s. 775.084.

787 Section 13. Section 497.469, Florida Statutes, is created
788 to read:

789 497.469 Fulfillment of preneed contracts.—

790 (1) Upon delivery of merchandise or performance of services
791 in fulfillment of a preneed contract, either in part or in
792 whole, a preneed licensee may withdraw the amount deposited in
793 trust plus income earned on such amount for the merchandise
794 delivered or services performed, when adequate documentation is
795 submitted to the trustee.

796 (2) Any of the following documentation is satisfactory
797 evidence to show that a preneed contract has been fulfilled:

798 (a) A certified copy of a death certificate.

799 (b) An invoice for merchandise which reflects the name of
800 the purchaser or beneficiary and the contract number.

801 (c) An acknowledgment signed by the purchaser or legally
802 authorized person, acknowledging that merchandise was delivered
803 or services performed.

804 (d) A burial permit or other documentation provided to a
805 governmental agency.

806 (3) The preneed licensee shall maintain documentation that
807 supports fulfillment of a particular contract until such records
808 are examined by the department.

809 Section 14. Present paragraphs (c) and (d) of subsection
810 (10) of section 624.307, Florida Statutes, are redesignated as
811 paragraphs (d) and (e), respectively, a new paragraph (c) is
812 added to that subsection, and paragraph (b) of that subsection

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813 is amended, to read:

814 624.307 General powers; duties.—

815 (10)

816 (b) Any person licensed or issued a certificate of
817 authority or made an eligible surplus lines insurer by the
818 department or the office shall respond, in writing or
819 electronically, to the division within 14 days after receipt of
820 a written request for documents and information from the
821 division concerning a consumer complaint. The response must
822 address the issues and allegations raised in the complaint and
823 include any requested documents concerning the consumer
824 complaint not subject to attorney-client or work-product
825 privilege. The division may impose an administrative penalty for
826 failure to comply with this paragraph of up to \$5,000 per
827 violation upon any entity licensed by the department or the
828 office and up to \$1,000 per violation by any individual licensed
829 by the department or the office.

830 (c) Each insurer issued a certificate of authority or made
831 an eligible surplus lines insurer shall file with the department
832 an e-mail address to which requests for response to consumer
833 complaints shall be directed pursuant to paragraph (b). Such
834 insurer shall also designate a contact person for escalated
835 complaint issues and shall provide the name, e-mail address, and
836 telephone number of such person. A licensee of the department,
837 including an agency or a firm, may elect to designate an e-mail
838 address to which requests for response to consumer complaints
839 shall be directed pursuant to paragraph (b). If a licensee,
840 including an agency or a firm, elects not to designate an e-mail
841 address, the department shall direct requests for response to

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842 consumer complaints to the e-mail address of record for the
843 licensee in the department's licensing system. An insurer or a
844 licensee, including an agency or a firm, may change designated
845 contact information at any time by submitting the new
846 information to the department using the method designated by
847 rule by the department.

848 Section 15. Subsection (2) of section 626.171, Florida
849 Statutes, is amended to read:

850 626.171 Application for license as an agent, customer
851 representative, adjuster, service representative, or reinsurance
852 intermediary.—

853 (2) In the application, the applicant shall set forth:

854 (a) His or her full name, age, social security number,
855 residence address, business address, mailing address, contact
856 telephone numbers, including a business telephone number, and e-
857 mail address.

858 (b) A statement indicating the method the applicant used or
859 is using to meet any required prelicensing education, knowledge,
860 experience, or instructional requirements for the type of
861 license applied for.

862 (c) Whether he or she has been refused or has voluntarily
863 surrendered or has had suspended or revoked a license to solicit
864 insurance by the department or by the supervising officials of
865 any state.

866 (d) Whether any insurer or any managing general agent
867 claims the applicant is indebted under any agency contract or
868 otherwise and, if so, the name of the claimant, the nature of
869 the claim, and the applicant's defense thereto, if any.

870 (e) Proof that the applicant meets the requirements for the

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871 type of license for which he or she is applying.

872 (f) The applicant's gender (male or female).

873 (g) The applicant's native language.

874 (h) The highest level of education achieved by the
875 applicant.

876 (i) The applicant's race or ethnicity (African American,
877 white, American Indian, Asian, Hispanic, or other).

878 (j) Such other or additional information as the department
879 may deem proper to enable it to determine the character,
880 experience, ability, and other qualifications of the applicant
881 to hold himself or herself out to the public as an insurance
882 representative.

883

884 However, the application must contain a statement that an
885 applicant is not required to disclose his or her race or
886 ethnicity, gender, or native language, that he or she will not
887 be penalized for not doing so, and that the department will use
888 this information exclusively for research and statistical
889 purposes and to improve the quality and fairness of the
890 examinations. The department shall make provisions for
891 applicants to submit cellular telephone numbers as part of the
892 application process on a voluntary basis only for the purpose of
893 two-factor authentication of secure login credentials.

894 Section 16. Paragraph (j) of subsection (2) of section
895 626.221, Florida Statutes, is amended to read:

896 626.221 Examination requirement; exemptions.—

897 (2) However, an examination is not necessary for any of the
898 following:

899 (j) An applicant for license as an all-lines adjuster who

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900 has the designation of Accredited Claims Adjuster (ACA) from a
901 regionally accredited postsecondary institution in this state;
902 Certified All Lines Adjuster (CALA) from Kaplan Financial
903 Education; Associate in Claims (AIC) from the Insurance
904 Institute of America; Professional Claims Adjuster (PCA) from
905 the Professional Career Institute; Professional Property
906 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
907 Certified Adjuster (CA) from ALL LINES Training; Certified
908 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
909 Certified Professional (CACP) from WebCE, Inc.; Accredited
910 Insurance Claims Specialist (AICS) from Encore Claim Services;
911 Professional in Claims (PIC) from 2021 Training, LLC; Registered
912 Claims Adjuster (RCA) from American Insurance College; or
913 Universal Claims Certification (UCC) from Claims and Litigation
914 Management Alliance (CLM) whose curriculum has been approved by
915 the department and which includes comprehensive analysis of
916 basic property and casualty lines of insurance and testing at
917 least equal to that of standard department testing for the all-
918 lines adjuster license. The department shall adopt rules
919 establishing standards for the approval of curriculum.

920 Section 17. Subsection (6) of section 626.601, Florida
921 Statutes, is amended to read:

922 626.601 Improper conduct; inquiry; fingerprinting.—

923 (6) The complaint and any information obtained pursuant to
924 the investigation by the department or office are confidential
925 and are exempt from s. 119.07 unless the department or office
926 files a formal administrative complaint, emergency order, or
927 consent order against the individual or entity. This subsection
928 does not prevent the department or office from disclosing the

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929 complaint or such information as it deems necessary to conduct
930 the investigation, to update the complainant as to the status
931 and outcome of the complaint, to review the details of the
932 investigation with the individual or entity being investigated
933 or its representative, or to share such information with any law
934 enforcement agency or other regulatory body.

935 Section 18. Subsection (3) of section 626.7351, Florida
936 Statutes, is amended to read:

937 626.7351 Qualifications for customer representative's
938 license.—The department may ~~shall~~ not grant or issue a license
939 as customer representative to any individual found by it to be
940 untrustworthy or incompetent, or who does not meet each of the
941 following qualifications:

942 (3) Within 4 years preceding the date that the application
943 for license was filed with the department, the applicant has
944 earned the designation of Accredited Advisor in Insurance (AAI),
945 Associate in General Insurance (AINS), or Accredited Customer
946 Service Representative (ACSR) from the Insurance Institute of
947 America; the designation of Certified Insurance Counselor (CIC)
948 from the Society of Certified Insurance Service Counselors; the
949 designation of Certified Professional Service Representative
950 (CPSR) from the National Foundation for CPSR; the designation of
951 Certified Insurance Service Representative (CISR) from the
952 Society of Certified Insurance Service Representatives; the
953 designation of Certified Insurance Representative (CIR) from
954 All-Lines Training; the designation of Chartered Customer
955 Service Representative (CCSR) from American Insurance College;
956 the designation of Professional Customer Service Representative
957 (PCSR) from the Professional Career Institute; the designation

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958 of Insurance Customer Service Representative (ICSR) from
959 Statewide Insurance Associates LLC; the designation of
960 Registered Customer Service Representative (RCSR) from a
961 regionally accredited postsecondary institution in the state
962 whose curriculum is approved by the department and includes
963 comprehensive analysis of basic property and casualty lines of
964 insurance and testing which demonstrates mastery of the subject;
965 or a degree from an accredited institution of higher learning
966 approved by the department when the degree includes a minimum of
967 9 credit hours of insurance instruction, including specific
968 instruction in the areas of property, casualty, and inland
969 marine insurance. The department shall adopt rules establishing
970 standards for the approval of curriculum.

971 Section 19. Section 626.878, Florida Statutes, is amended
972 to read:

973 626.878 Rules; code of ethics.—

974 (1) An adjuster shall subscribe to the code of ethics
975 specified in the rules of the department. The rules shall
976 implement the provisions of this part and specify the terms and
977 conditions of contracts, including a right to cancel, and
978 require practices necessary to ensure fair dealing, prohibit
979 conflicts of interest, and ensure preservation of the rights of
980 the claimant to participate in the adjustment of claims.

981 (2) A person licensed as an adjuster must identify himself
982 or herself in any advertisement, solicitation, or written
983 document based on the adjuster appointment type held.

984 (3) An adjuster who has had his or her license revoked or
985 suspended may not participate in any part of an insurance claim
986 or in the insurance claims adjusting process, including

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987 estimating, completing, filing, negotiating, appraising,
988 mediating, umpiring, or effecting settlement of a claim for loss
989 or damage covered under an insurance contract. A person who
990 provides these services while the person's license is revoked or
991 suspended acts as an unlicensed adjuster.

992 Section 20. Subsection (1) of section 626.929, Florida
993 Statutes, is amended, and subsection (4) is added to that
994 section, to read:

995 626.929 Origination, acceptance, placement of surplus lines
996 business.—

997 (1) A licensed and appointed general lines agent while also
998 licensed and appointed as a surplus lines agent under this part
999 may originate surplus lines business and may accept surplus
1000 lines business from any other originating Florida-licensed
1001 general lines agent appointed and licensed as to the kinds of
1002 insurance involved and may compensate such agent therefor.

1003 (4) A general lines agent while licensed as a surplus lines
1004 agent under this part may appoint these licenses with a single
1005 surplus lines agent appointment pursuant to s. 624.501. Such
1006 agent may only originate surplus lines business and accept
1007 surplus lines business from other originating Florida-licensed
1008 general lines agents appointed and licensed as to the kinds of
1009 insurance involved and may compensate such agent therefor. Such
1010 agent may not be appointed by or transact general lines
1011 insurance on behalf of an admitted insurer.

1012 Section 21. Paragraph (j) is added to subsection (4) of
1013 section 627.351, Florida Statutes, to read:

1014 627.351 Insurance risk apportionment plans.—

1015 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION

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1016 CONTRACTS AND PURCHASES.—

1017 (j)1. After July 1, 2024, all contracts entered into, and
1018 all purchases made, by the association pursuant to this
1019 subsection which are valued at or more than \$100,000 must first
1020 be approved by the department. The department has 10 days to
1021 approve or deny a contract or purchase upon electronic receipt
1022 of the approval request. The contract or purchase is
1023 automatically approved if the department is nonresponsive.

1024 2. All contracts and purchases valued at or more than
1025 \$100,000 require competition through a formal bid solicitation
1026 conducted by the association. The association must undergo a
1027 formal bid solicitation process by a minimum of three vendors.
1028 The formal bid solicitation process must include all of the
1029 following:

1030 a. The time and date for the receipt of bids, the
1031 proposals, and whether the association contemplates renewal of
1032 the contract, including the price for each year for which the
1033 contract may be renewed.

1034 b. All the contractual terms and conditions applicable to
1035 the procurement.

1036 3. Evaluation of bids by the association must include
1037 consideration of the total cost for each year of the contract,
1038 including renewal years, as submitted by the vendor. The
1039 association must award the contract to the most responsible and
1040 responsive vendor. Any formal bid solicitation conducted by the
1041 association must be made available, upon request, to the
1042 department by electronic delivery.

1043 Section 22. Subsection (5) is added to section 631.59,
1044 Florida Statutes, to read:

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1045 631.59 Duties and powers of department and office;
1046 association contracts and purchases.—

1047 (5) (a) After July 1, 2024, all contracts entered into, and
1048 all purchases made, by the association pursuant to this section
1049 which are valued at or more than \$100,000 must first be approved
1050 by the department. The department has 10 days to approve or deny
1051 the contract or purchase upon electronic receipt of the approval
1052 request. The contract or purchase is automatically approved if
1053 the department is nonresponsive.

1054 (b) All contracts and purchases valued at or more than
1055 \$100,000 require competition through a formal bid solicitation
1056 conducted by the association. The association must undergo a
1057 formal bid solicitation process. The formal bid solicitation
1058 process must include all of the following:

1059 1. The time and date for the receipt of bids, the
1060 proposals, and whether the association contemplates renewal of
1061 the contract, including the price for each year for which the
1062 contract may be renewed.

1063 2. All the contractual terms and conditions applicable to
1064 the procurement.

1065 (c) Evaluation of bids by the association must include
1066 consideration of the total cost for each year of the contract,
1067 including renewal years, as submitted by the vendor. The
1068 association must award the contract to the most responsible and
1069 responsive vendor. Any formal bid solicitation conducted by the
1070 association must be made available, upon request, to the
1071 department via electronic delivery.

1072 (d) Paragraphs (b) and (c) do not apply to claims defense
1073 counsel or claims vendors if contracts with all vendors which

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1074 may exceed \$100,000 are provided to the department for prior
1075 approval in accordance with paragraph (a).

1076 Section 23. Subsection (6) is added to section 631.722,
1077 Florida Statutes, to read:

1078 631.722 Powers and duties of department and office;
1079 association contracts and purchases.—

1080 (6) (a) After July 1, 2024, all contracts entered into, and
1081 all purchases made, by the association pursuant to this section
1082 which are valued at or more than \$100,000 must first be approved
1083 by the department. The department has 10 days to approve or deny
1084 the contract or purchase upon electronic receipt of the approval
1085 request. The contract or purchase is automatically approved if
1086 the department is nonresponsive.

1087 (b) All contracts and purchases valued at or more than
1088 \$100,000 require competition through a formal bid solicitation
1089 conducted by the association. The association must undergo a
1090 formal bid solicitation process. The formal bid solicitation
1091 process must include all of the following:

1092 1. The time and date for the receipt of bids, the
1093 proposals, and whether the association contemplates renewal of
1094 the contract, including the price for each year for which the
1095 contract may be renewed.

1096 2. All the contractual terms and conditions applicable to
1097 the procurement.

1098 (c) Evaluation of bids by the association must include
1099 consideration of the total cost for each year of the contract,
1100 including renewal years, as submitted by the vendor. The
1101 association must award the contract to the most responsible and
1102 responsive vendor. Any formal bid solicitation conducted by the

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1103 association must be made available, upon request, to the
1104 department via electronic delivery.

1105 Section 24. Subsection (5) is added to section 631.821,
1106 Florida Statutes, to read:

1107 631.821 Powers and duties of the department; board
1108 contracts and purchases.—

1109 (5) (a) After July 1, 2024, all contracts entered into, and
1110 all purchases made, by the board pursuant to this section which
1111 are valued at or more than \$100,000 must first be approved by
1112 the department. The department has 10 days to approve or deny
1113 the contract or purchase upon electronic receipt of the approval
1114 request. The contract or purchase is automatically approved if
1115 the department is nonresponsive.

1116 (b) All contracts and purchases valued at or more than
1117 \$100,000 require competition through a formal bid solicitation
1118 conducted by the board. The board must undergo a formal bid
1119 solicitation process. The formal bid solicitation process must
1120 include all of the following:

1121 1. The time and date for the receipt of bids, the
1122 proposals, and whether the board contemplates renewal of the
1123 contract, including the price for each year for which the
1124 contract may be renewed.

1125 2. All the contractual terms and conditions applicable to
1126 the procurement.

1127 (c) Evaluation of bids by the board must include
1128 consideration of the total cost for each year of the contract,
1129 including renewal years, as submitted by the vendor. The plan
1130 must award the contract to the most responsible and responsive
1131 vendor. Any formal bid solicitation conducted by the board must

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1132 be made available, upon request, to the department via
1133 electronic delivery.

1134 Section 25. Section 631.921, Florida Statutes, is amended
1135 to read:

1136 631.921 Department powers; board contracts and purchases.-

1137 (1) The corporation shall be subject to examination by the
1138 department. By March 1 of each year, the board of directors
1139 shall cause a financial report to be filed with the department
1140 for the immediately preceding calendar year in a form approved
1141 by the department.

1142 (2) (a) After July 1, 2024, all contracts entered into, and
1143 all purchases made, by the board pursuant to this section which
1144 are valued at or more than \$100,000 must first be approved by
1145 the department. The department has 10 days to approve or deny
1146 the contract or purchase upon electronic receipt of the approval
1147 request. The contract or purchase is automatically approved if
1148 the department is nonresponsive.

1149 (b) All contracts and purchases valued at or more than
1150 \$100,000 require competition through a formal bid solicitation
1151 conducted by the board. The board must undergo a formal bid
1152 solicitation process. The formal bid solicitation process must
1153 include all of the following:

1154 1. The time and date for the receipt of bids, the
1155 proposals, and whether the board contemplates renewal of the
1156 contract, including the price for each year for which the
1157 contract may be renewed.

1158 2. All the contractual terms and conditions applicable to
1159 the procurement.

1160 (c) Evaluation of bids by the board must include

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1161 consideration of the total cost for each year of the contract,
1162 including renewal years, as submitted by the vendor. The
1163 association must award the contract to the most responsible and
1164 responsive vendor. Any formal bid solicitation conducted by the
1165 association must be made available, upon request, to the
1166 department via electronic delivery.

1167 Section 26. Paragraph (b) of subsection (3) of section
1168 633.124, Florida Statutes, is amended to read:

1169 633.124 Penalty for violation of law, rule, or order to
1170 cease and desist or for failure to comply with corrective
1171 order.—

1172 (3)

1173 (b) A person who initiates a pyrotechnic display within any
1174 structure commits a felony of the third degree, punishable as
1175 provided in s. 775.082, s. 775.083, or s. 775.084, unless:

1176 1. The structure has a fire protection system installed in
1177 compliance with s. 633.334.

1178 2. The owner of the structure has authorized in writing the
1179 pyrotechnic display.

1180 3. If the local jurisdiction requires a permit for the use
1181 of a pyrotechnic display in an occupied structure, such permit
1182 has been obtained and all conditions of the permit complied with
1183 or, if the local jurisdiction does not require a permit for the
1184 use of a pyrotechnic display in an occupied structure, the
1185 person initiating the display has complied with National Fire
1186 Protection Association, Inc., Standard 1126, 2021 ~~2001~~ Edition,
1187 Standard for the Use of Pyrotechnics before a Proximate
1188 Audience.

1189 Section 27. Subsection (2) of section 633.202, Florida

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1190 Statutes, is amended to read:

1191 633.202 Florida Fire Prevention Code.—

1192 (2) The State Fire Marshal shall adopt the current edition
1193 of the National Fire Protection Association's Standard 1, Fire
1194 Prevention Code but may not adopt a building, mechanical,
1195 accessibility, or plumbing code. The State Fire Marshal shall
1196 adopt the current edition of the Life Safety Code, NFPA 101,
1197 current editions, by reference. The State Fire Marshal may
1198 modify the selected codes and standards as needed to accommodate
1199 the specific needs of the state. Standards or criteria in the
1200 selected codes shall be similarly incorporated by reference. The
1201 State Fire Marshal shall incorporate within sections of the
1202 Florida Fire Prevention Code provisions that address uniform
1203 firesafety standards as established in s. 633.206. The State
1204 Fire Marshal shall incorporate within sections of the Florida
1205 Fire Prevention Code provisions addressing regional and local
1206 concerns and variations.

1207 Section 28. Paragraph (b) of subsection (1) of section
1208 633.206, Florida Statutes, is amended to read:

1209 633.206 Uniform firesafety standards.—The Legislature
1210 hereby determines that to protect the public health, safety, and
1211 welfare it is necessary to provide for firesafety standards
1212 governing the construction and utilization of certain buildings
1213 and structures. The Legislature further determines that certain
1214 buildings or structures, due to their specialized use or to the
1215 special characteristics of the person utilizing or occupying
1216 these buildings or structures, should be subject to firesafety
1217 standards reflecting these special needs as may be appropriate.

1218 (1) The department shall establish uniform firesafety

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1219 standards that apply to:

1220 (b) All new, existing, and proposed hospitals, nursing
1221 homes, assisted living facilities, adult family-care homes,
1222 correctional facilities, public schools, transient public
1223 lodging establishments, public food service establishments,
1224 mobile food dispensing vehicles, elevators, migrant labor camps,
1225 mobile home parks, lodging parks, recreational vehicle parks,
1226 recreational camps, residential and nonresidential child care
1227 facilities, facilities for the developmentally disabled, motion
1228 picture and television special effects productions, tunnels,
1229 energy storage systems, and self-service gasoline stations, of
1230 which standards the State Fire Marshal is the final
1231 administrative interpreting authority.

1232

1233 In the event there is a dispute between the owners of the
1234 buildings specified in paragraph (b) and a local authority
1235 requiring a more stringent uniform firesafety standard for
1236 sprinkler systems, the State Fire Marshal shall be the final
1237 administrative interpreting authority and the State Fire
1238 Marshal's interpretation regarding the uniform firesafety
1239 standards shall be considered final agency action.

1240 Section 29. Paragraph (b) of subsection (8) of section
1241 634.041, Florida Statutes, is amended to read:

1242 634.041 Qualifications for license.—To qualify for and hold
1243 a license to issue service agreements in this state, a service
1244 agreement company must be in compliance with this part, with
1245 applicable rules of the commission, with related sections of the
1246 Florida Insurance Code, and with its charter powers and must
1247 comply with the following:

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(8)

(b) A service agreement company does not have to establish and maintain an unearned premium reserve if it secures and maintains contractual liability insurance in accordance with the following:

1. Coverage of 100 percent of the claim exposure is obtained from an insurer or insurers approved by the office, which hold ~~holds~~ a certificate of authority under s. 624.401 to do business within this state, or secured through a risk retention groups ~~group~~, which are ~~is~~ authorized to do business within this state under s. 627.943 or s. 627.944. Such insurers ~~insurer~~ or risk retention groups ~~group~~ must maintain a surplus as regards policyholders of at least \$15 million.

2. If the service agreement company does not meet its contractual obligations, the contractual liability insurance policy binds its issuer to pay or cause to be paid to the service agreement holder all legitimate claims and cancellation refunds for all service agreements issued by the service agreement company while the policy was in effect. This requirement also applies to those service agreements for which no premium has been remitted to the insurer.

3. If the issuer of the contractual liability policy is fulfilling the service agreements covered by the contractual liability policy and the service agreement holder cancels the service agreement, the issuer must make a full refund of unearned premium to the consumer, subject to the cancellation fee provisions of s. 634.121(3). The sales representative and agent must refund to the contractual liability policy issuer their unearned pro rata commission.

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1277 4. The policy may not be canceled, terminated, or
1278 nonrenewed by the insurer or the service agreement company
1279 unless a 90-day written notice thereof has been given to the
1280 office by the insurer before the date of the cancellation,
1281 termination, or nonrenewal.

1282 5. The service agreement company must provide the office
1283 with the claims statistics.

1284 6. A policy issued in compliance with this paragraph may
1285 either pay 100 percent of claims as they are incurred, or pay
1286 100 percent of claims due in the event of the failure of the
1287 service agreement company to pay such claims when due.

1288
1289 All funds or premiums remitted to an insurer by a motor vehicle
1290 service agreement company under this part shall remain in the
1291 care, custody, and control of the insurer and shall be counted
1292 as an asset of the insurer; provided, however, this requirement
1293 does not apply when the insurer and the motor vehicle service
1294 agreement company are affiliated companies and members of an
1295 insurance holding company system. If the motor vehicle service
1296 agreement company chooses to comply with this paragraph but also
1297 maintains a reserve to pay claims, such reserve shall only be
1298 considered an asset of the covered motor vehicle service
1299 agreement company and may not be simultaneously counted as an
1300 asset of any other entity.

1301 Section 30. Subsection (5) of section 634.081, Florida
1302 Statutes, is amended to read:

1303 634.081 Suspension or revocation of license; grounds.—

1304 (5) The office shall suspend or revoke the license of a
1305 company if it finds that the ratio of gross written premiums

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1306 written to net assets exceeds 10 to 1 unless the company has in
1307 excess of \$750,000 in net assets and is utilizing contractual
1308 liability insurance which cedes 100 percent of the service
1309 agreement company's claims liabilities to the contractual
1310 liability insurers ~~insurer~~ or is utilizing contractual liability
1311 insurance which reimburses the service agreement company for 100
1312 percent of its paid claims. However, if a service agreement
1313 company has been licensed by the office in excess of 10 years,
1314 is in compliance with all applicable provisions of this part,
1315 and has net assets at all times in excess of \$3 million that
1316 comply with the provisions of part II of chapter 625, such
1317 company may not exceed a ratio of gross written premiums written
1318 to net assets of 15 to 1.

1319 Section 31. Present subsection (5) of section 634.3077,
1320 Florida Statutes, is redesignated as subsection (6), a new
1321 subsection (5) is added to that section, and subsection (3) of
1322 that section is amended, to read:

1323 634.3077 Financial requirements.—

1324 (3) An association may ~~shall~~ not be required to set up an
1325 unearned premium reserve if it has purchased contractual
1326 liability insurance which demonstrates to the satisfaction of
1327 the office that 100 percent of its claim exposure is covered by
1328 such insurance. Such contractual liability insurance shall be
1329 obtained from an insurer or insurers that hold ~~holds~~ a
1330 certificate of authority to do business within the state or from
1331 an insurer or insurers approved by the office as financially
1332 capable of meeting the obligations incurred pursuant to the
1333 policy. For purposes of this subsection, the contractual
1334 liability policy shall contain the following provisions:

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1335 (a) In the event that the home warranty association is
1336 unable to fulfill its obligation under its contracts issued in
1337 this state for any reason, including insolvency, bankruptcy, or
1338 dissolution, the contractual liability insurer will pay losses
1339 and unearned premiums under such plans directly to persons
1340 making claims under such contracts.

1341 (b) The insurer issuing the policy shall assume full
1342 responsibility for the administration of claims in the event of
1343 the inability of the association to do so.

1344 (c) The policy may not be canceled or not renewed by ~~either~~
1345 the insurer or the association unless 60 days' written notice
1346 thereof has been given to the office by the insurer before the
1347 date of such cancellation or nonrenewal.

1348 (d) The contractual liability insurance policy shall insure
1349 all home warranty contracts that were issued while the policy
1350 was in effect whether or not the premium has been remitted to
1351 the insurer.

1352 (5) An association licensed under this part is not required
1353 to establish an unearned premium reserve or maintain contractual
1354 liability insurance and may allow its premiums to exceed the
1355 ratio to net assets limitation of this section if the
1356 association complies with the following:

1357 (a) The association or, if the association is a direct or
1358 indirect wholly owned subsidiary of a parent corporation, its
1359 parent corporation has, and maintains at all times, a minimum
1360 net worth of at least \$100 million and provides the office with
1361 the following:

1362 1. A copy of the association's annual audited financial
1363 statements or the audited consolidated financial statements of

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1364 the association's parent corporation, prepared by an independent
1365 certified public accountant in accordance with generally
1366 accepted accounting principles, which clearly demonstrate the
1367 net worth of the association or its parent corporation to be
1368 \$100 million, and a quarterly written certification to the
1369 office that the association or its parent corporation continues
1370 to maintain the net worth required under this paragraph.

1371 2. The association's or its parent corporation's Form 10-K,
1372 Form 10-Q, or Form 20-F as filed with the United States
1373 Securities and Exchange Commission or such other documents
1374 required to be filed with a recognized stock exchange, which
1375 shall be provided on a quarterly and annual basis within 10 days
1376 after the last date each such report must be filed with the
1377 Securities and Exchange Commission, the National Association of
1378 Securities Dealers Automated Quotations system, or other
1379 recognized stock exchange.

1380
1381 Failure to timely file the documents required under this
1382 paragraph may, at the discretion of the office, subject the
1383 association to suspension or revocation of its license under
1384 this part.

1385 (b) If the net worth of a parent corporation is used to
1386 satisfy the net worth provisions of paragraph (a), the following
1387 requirements must be met:

1388 1. The parent corporation must guarantee all service
1389 warranty obligations of the association, wherever written, on a
1390 form approved in advance by the office. A cancellation,
1391 termination, or modification of the guarantee does not become
1392 effective unless the parent corporation provides the office

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1393 written notice at least 90 days before the effective date of the
1394 cancellation, termination, or modification and the office
1395 approves the request in writing. Before the effective date of
1396 the cancellation, termination, or modification of the guarantee,
1397 the association must demonstrate to the satisfaction of the
1398 office compliance with all applicable provisions of this part,
1399 including whether the association will meet the requirements of
1400 this section by the purchase of contractual liability insurance,
1401 establishing required reserves, or other method allowed under
1402 this section. If the association or parent corporation does not
1403 demonstrate to the satisfaction of the office compliance with
1404 all applicable provisions of this part, the association or
1405 parent association shall immediately cease writing new and
1406 renewal business upon the effective date of the cancellation,
1407 termination, or modification.

1408 2. The association must maintain at all times net assets of
1409 at least \$750,000.

1410 Section 32. Section 634.317, Florida Statutes, is amended
1411 to read:

1412 634.317 License and appointment required.—No person may
1413 solicit, negotiate, or effectuate home warranty contracts for
1414 remuneration in this state unless such person is licensed and
1415 appointed as a sales representative. A licensed and appointed
1416 sales representative shall be directly responsible and
1417 accountable for all acts of the licensee's employees. A
1418 municipality, a county government, a special district, an entity
1419 operated by a municipality or county government, or an employee
1420 or agent of a municipality, a county government, a special
1421 district, or an entity operated by a municipality or county

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1422 government is exempt from the licensing and appointing
1423 requirements of this section.

1424 Section 33. Present subsection (9) of section 648.25,
1425 Florida Statutes, is redesignated as subsection (10), and a new
1426 subsection (9) and subsection (11) are added to that section, to
1427 read:

1428 648.25 Definitions.—As used in this chapter, the term:

1429 (9) "Referring bail bond agent" means the limited surety
1430 agent who is requesting the transfer bond. The referring bail
1431 bond agent is the agent held liable for the transfer bond, along
1432 with the issuing surety company.

1433 (11) "Transfer bond" means the appearance bond and power of
1434 attorney form posted by a limited surety agent who is registered
1435 in the county where the defendant is being held in custody.

1436 Section 34. Subsection (3) of section 648.26, Florida
1437 Statutes, is amended to read:

1438 648.26 Department of Financial Services; administration.—

1439 (3) The papers, documents, reports, or any other
1440 investigatory records of the department are confidential and
1441 exempt from s. 119.07(1) until such investigation is completed
1442 or ceases to be active, unless the department or office files a
1443 formal administrative complaint, emergency order, or consent
1444 order against the individual or entity. For the purpose of this
1445 section, an investigation is considered active while the
1446 investigation is being conducted by the department with a
1447 reasonable, good faith belief that it may lead to the filing of
1448 administrative, civil, or criminal proceedings. An investigation
1449 does not cease to be active if the department is proceeding with
1450 reasonable dispatch and there is good faith belief that action

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1451 may be initiated by the department or other administrative or
1452 law enforcement agency. This subsection does not prevent the
1453 department or office from disclosing the content of a complaint
1454 or such information as it deems necessary to conduct the
1455 investigation, to update the complainant as to the status and
1456 outcome of the complaint, to review the details of the
1457 investigation with the subject or the subject's representative,
1458 or to share such information with any law enforcement agency or
1459 other regulatory body.

1460 Section 35. Paragraph (a) of subsection (1) of section
1461 648.30, Florida Statutes, is amended to read:

1462 648.30 Licensure and appointment required; prohibited acts;
1463 penalties.—

1464 (1) (a) A person or entity may not act in the capacity of a
1465 bail bond agent or bail bond agency or perform any of the
1466 functions, duties, or powers prescribed for bail bond agents or
1467 bail bond agencies under this chapter unless that person or
1468 entity is qualified, licensed, and appointed as provided in this
1469 chapter ~~and employed by a bail bond agency.~~

1470 Section 36. Subsection (1) of section 648.355, Florida
1471 Statutes, is amended to read:

1472 648.355 Limited surety agents and professional bail bond
1473 agents; qualifications.—

1474 (1) The applicant shall furnish, with the application for
1475 license, a complete set of the applicant's fingerprints in
1476 accordance with s. 626.171(4) ~~and a recent credential-sized,~~
1477 ~~fullface photograph of the applicant.~~ The department may not
1478 issue a license under this section until the department has
1479 received a report from the Department of Law Enforcement and the

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1480 Federal Bureau of Investigation relative to the existence or
1481 nonexistence of a criminal history report based on the
1482 applicant's fingerprints.

1483 Section 37. Section 717.101, Florida Statutes, is amended
1484 to read:

1485 717.101 Definitions.—As used in this chapter, unless the
1486 context otherwise requires:

1487 (1) "Aggregate" means the amounts reported for owners of
1488 unclaimed property of less than \$10 ~~\$50~~ or where there is no
1489 name for the individual or entity listed on the holder's
1490 records, regardless of the amount to be reported.

1491 (2) "Apparent owner" means the person whose name appears on
1492 the records of the holder as the person entitled to property
1493 held, issued, or owing by the holder.

1494 (3) "Audit" means an action or proceeding to examine and
1495 verify a person's records, books, accounts, and other documents
1496 to ascertain and determine compliance with this chapter.

1497 (4) "Audit agent" means a person with whom the department
1498 enters into a contract to conduct an audit or examination. The
1499 term includes an independent contractor of the person and each
1500 individual participating in the audit on behalf of the person or
1501 contractor.

1502 (5) ~~(3)~~ "Banking organization" means any and all banks,
1503 trust companies, private bankers, savings banks, industrial
1504 banks, safe-deposit companies, savings and loan associations,
1505 credit unions, and investment companies in this state, organized
1506 under or subject to the laws of this state or of the United
1507 States, including entities organized under 12 U.S.C. s. 611, but
1508 does not include Federal Reserve Banks. The term also includes

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1509 any corporation, business association, or other organization
1510 that:

1511 (a) Is a wholly or partially owned subsidiary of any
1512 banking, banking corporation, or bank holding company that
1513 performs any or all of the functions of a banking organization;
1514 or

1515 (b) Performs functions pursuant to the terms of a contract
1516 with any banking organization ~~state or national bank,~~
1517 ~~international banking entity or similar entity, trust company,~~
1518 ~~savings bank, industrial savings bank, land bank, safe-deposit~~
1519 ~~company, private bank, or any organization otherwise defined by~~
1520 ~~law as a bank or banking organization.~~

1521 (6) ~~(4)~~ "Business association" means any for-profit or
1522 nonprofit corporation other than a public corporation; joint
1523 stock company; investment company; unincorporated association or
1524 association of two or more individuals for business purposes,
1525 whether or not for profit; partnership; joint venture; limited
1526 liability company; sole proprietorship; business trust; trust
1527 company; land bank; safe-deposit company; safekeeping
1528 depository; financial organization; insurance company; federally
1529 chartered entity; utility company; or other business entity,
1530 whether or not for profit ~~corporation (other than a public~~
1531 ~~corporation), joint stock company, investment company, business~~
1532 ~~trust, partnership, limited liability company, or association of~~
1533 ~~two or more individuals for business purposes, whether for~~
1534 ~~profit or not for profit.~~

1535 (7) ~~(5)~~ "Claimant" means the person on whose behalf a claim
1536 is filed.

1537 (8) "Claimant's representative" means an attorney who is a

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1538 member in good standing of The Florida Bar, a certified public
1539 accountant licensed in this state, or a private investigator who
1540 is duly licensed to do business in this state, registered with
1541 the department, and authorized by the claimant to claim
1542 unclaimed property on the claimant's behalf. The term does not
1543 include a person acting in a representative capacity, such as a
1544 personal representative, guardian, trustee, or attorney, whose
1545 representation is not contingent upon the discovery or location
1546 of unclaimed property; provided, however, that any agreement
1547 entered into for the purpose of evading s. 717.135 is invalid
1548 and unenforceable.

1549 (9)~~(6)~~ "Credit balance" means an account balance in the
1550 customer's favor.

1551 (10)~~(7)~~ "Department" means the Department of Financial
1552 Services.

1553 (11)~~(8)~~ "Domicile" means the state of incorporation for a
1554 corporation; the state of filing for a business association,
1555 other than a corporation, whose formation or organization
1556 requires a filing with a state; the state of organization for a
1557 business association, other than a corporation, whose formation
1558 or organization does not require a filing with a state; or the
1559 state of home office for a federally chartered entity ~~incorporated~~
1560 ~~under the laws of a state, or, for an unincorporated business~~
1561 ~~association, the state where the business association is~~
1562 organized.

1563 (12)~~(9)~~ "Due diligence" means the use of reasonable and
1564 prudent methods under particular circumstances to locate
1565 apparent owners of inactive accounts using the taxpayer
1566 identification number or social security number, if known, which

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1567 may include, but are not limited to, using a nationwide
1568 database, cross-indexing with other records of the holder,
1569 mailing to the last known address unless the last known address
1570 is known to be inaccurate, providing written notice as described
1571 in this chapter by electronic mail if an apparent owner has
1572 elected such delivery, or engaging a licensed agency or company
1573 capable of conducting such search and providing updated
1574 addresses.

1575 (13) "Electronic" means relating to technology having
1576 electrical, digital, magnetic, wireless, optical,
1577 electromagnetic, or similar capabilities.

1578 (14)~~(10)~~ "Financial organization" means a ~~state or federal~~
1579 savings association, savings and loan association, savings bank,
1580 industrial bank, bank, banking organization, trust company,
1581 international bank agency, cooperative bank, building and loan
1582 association, or credit union.

1583 (15)~~(11)~~ "Health care provider" means any state-licensed
1584 entity that provides and receives payment for health care
1585 services. These entities include, but are not limited to,
1586 hospitals, outpatient centers, physician practices, and skilled
1587 nursing facilities.

1588 (16)~~(12)~~ "Holder" means:

1589 (a) A person, wherever organized or domiciled, who is in
1590 possession or control or has custody of property or the rights
1591 to property belonging to another; is indebted to another on an
1592 obligation; or is obligated to hold for the account of, or to
1593 deliver or pay to, the owner, property subject to this chapter;
1594 or

1595 ~~(a) In possession of property belonging to another;~~

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1596 (b) A trustee in case of a trust, ~~or~~

1597 ~~(c) Indebted to another on an obligation.~~

1598 (17)~~(13)~~ "Insurance company" means an association,
1599 corporation, or fraternal or mutual benefit organization,
1600 whether for profit or not for profit, which is engaged in
1601 providing insurance coverage.

1602 (18)~~(14)~~ "Intangible property" includes, by way of
1603 illustration and not limitation:

1604 (a) Moneys, checks, virtual currency, drafts, deposits,
1605 interest, dividends, and income.

1606 (b) Credit balances, customer overpayments, security
1607 deposits and other instruments as defined by chapter 679,
1608 refunds, unpaid wages, unused airline tickets, and unidentified
1609 remittances.

1610 (c) Stocks, and other intangible ownership interests in
1611 business associations.

1612 (d) Moneys deposited to redeem stocks, bonds, bearer bonds,
1613 original issue discount bonds, coupons, and other securities, or
1614 to make distributions.

1615 (e) Amounts due and payable under the terms of insurance
1616 policies.

1617 (f) Amounts distributable from a trust or custodial fund
1618 established under a plan to provide any health, welfare,
1619 pension, vacation, severance, retirement, death, stock purchase,
1620 profit sharing, employee savings, supplemental unemployment
1621 insurance, or similar benefit.

1622 (19)~~(15)~~ "Last known address" means a description of the
1623 location of the apparent owner sufficient for the purpose of the
1624 delivery of mail. For the purposes of identifying, reporting,

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1625 and remitting property to the department which is presumed to be
1626 unclaimed, "last known address" includes any partial description
1627 of the location of the apparent owner sufficient to establish
1628 the apparent owner was a resident of this state at the time of
1629 last contact with the apparent owner or at the time the property
1630 became due and payable.

1631 (20)~~(16)~~ "Lawful charges" means charges against dormant
1632 accounts that are authorized by statute for the purpose of
1633 offsetting the costs of maintaining the dormant account.

1634 (21)~~(17)~~ "Managed care payor" means a health care plan that
1635 has a defined system of selecting and limiting health care
1636 providers as evidenced by a managed care contract with the
1637 health care providers. These plans include, but are not limited
1638 to, managed care health insurance companies and health
1639 maintenance organizations.

1640 (22)~~(18)~~ "Owner" means a person, or the person's legal
1641 representative, entitled to receive or having a legal or
1642 equitable interest in or claim against property subject to this
1643 chapter; a depositor in the case of a deposit; a beneficiary in
1644 the case of a trust or a deposit in trust; or a payee in the
1645 case of a negotiable instrument or other intangible property ~~a~~
1646 ~~depositor in the case of a deposit, a beneficiary in the case of~~
1647 ~~a trust or a deposit in trust, or a payee in the case of other~~
1648 ~~intangible property, or a person having a legal or equitable~~
1649 ~~interest in property subject to this chapter or his or her legal~~
1650 ~~representative.~~

1651 (23) "Person" means an individual; an estate; a business
1652 association; a corporation; a firm; an association; a joint
1653 adventure; a partnership; a government or governmental

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1654 subdivision, agency, or instrumentality; or any other legal or
1655 commercial entity.

1656 (24)~~(19)~~ "Public corporation" means a corporation created
1657 by the state, founded and owned in the public interest,
1658 supported by public funds, and governed by those deriving their
1659 power from the state.

1660 (25) "Record" means information that is inscribed on a
1661 tangible medium or that is stored in an electronic or other
1662 medium and is retrievable in perceivable form.

1663 (26)~~(20)~~ "Reportable period" means the calendar year ending
1664 December 31 of each year.

1665 (27)~~(21)~~ "State," when applied to a part of the United
1666 States, includes any state, district, commonwealth, territory,
1667 insular possession, and any other area subject to the
1668 legislative authority of the United States.

1669 (28)~~(22)~~ "Trust instrument" means a trust instrument as
1670 defined in s. 736.0103.

1671 ~~(23) "Ultimate equitable owner" means a natural person who,~~
1672 ~~directly or indirectly, owns or controls an ownership interest~~
1673 ~~in a corporation, a foreign corporation, an alien business~~
1674 ~~organization, or any other form of business organization,~~
1675 ~~regardless of whether such natural person owns or controls such~~
1676 ~~ownership interest through one or more natural persons or one or~~
1677 ~~more proxies, powers of attorney, nominees, corporations,~~
1678 ~~associations, partnerships, trusts, joint stock companies, or~~
1679 ~~other entities or devices, or any combination thereof.~~

1680 (29) "Unclaimed Property Purchase Agreement" means the form
1681 adopted by the department pursuant to s. 717.135 which must be
1682 used, without modification or amendment, by a claimant's

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1683 representative to purchase unclaimed property from an owner.

1684 (30) "Unclaimed Property Recovery Agreement" means the form
1685 adopted by the department pursuant to s. 717.135 which must be
1686 used, without modification or amendment, by a claimant's
1687 representative to obtain an owner's consent and authority to
1688 recover unclaimed property on the owner's behalf.

1689 (31)~~(24)~~ "United States" means any state, district,
1690 commonwealth, territory, insular possession, and any other area
1691 subject to the legislative authority of the United States of
1692 America.

1693 (32)~~(25)~~ "Utility" means a person who owns or operates, for
1694 public use, any plant, equipment, property, franchise, or
1695 license for the transmission of communications or the
1696 production, storage, transmission, sale, delivery, or furnishing
1697 of electricity, water, steam, or gas.

1698 (33) (a) "Virtual currency" means digital units of exchange
1699 which:

1700 1. Have a centralized repository or administrator;
1701 2. Are decentralized and have no centralized repository or
1702 administrator; or
1703 3. May be created or obtained by computing or manufacturing
1704 effort.

1705 (b) The term does not include any of the following:

1706 1. Digital units that:
1707 a. Are used solely within online gaming platforms;
1708 b. Have no market or application outside of the online
1709 gaming platforms in sub-subparagraph a.;
1710 c. Cannot be converted into, or redeemed for, fiat currency
1711 or virtual currency; and

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- 1712 d. Can or cannot be redeemed for real-world goods,
1713 services, discounts, or purchases.
- 1714 2. Digital units that can be redeemed for:
- 1715 a. Real-world goods, services, discounts, or purchases as
1716 part of a customer affinity or rewards program with the issuer
1717 or other designated merchants; or
- 1718 b. Digital units in another customer affinity or rewards
1719 program, but cannot be converted into, or redeemed for, fiat
1720 currency or virtual currency.
- 1721 3. Digital units used as part of prepaid cards.
- 1722 Section 38. Subsections (3) and (4) are added to section
1723 717.102, Florida Statutes, to read:
- 1724 717.102 Property presumed unclaimed; general rule.—
- 1725 (3) A presumption that property is unclaimed is rebutted by
1726 an apparent owner's expression of interest in the property. An
1727 owner's expression of interest in property includes:
- 1728 (a) A record communicated by the apparent owner to the
1729 holder or agent of the holder concerning the property or the
1730 account in which the property is held;
- 1731 (b) An oral communication by the apparent owner to the
1732 holder or agent of the holder concerning the property or the
1733 account in which the property is held, if the holder or its
1734 agent contemporaneously makes and preserves a record of the fact
1735 of the apparent owner's communication;
- 1736 (c) Presentment of a check or other instrument of payment
1737 of a dividend, interest payment, or other distribution, with
1738 respect to an account, underlying security, or interest in a
1739 business association;
- 1740 (d) Activity directed by an apparent owner in the account

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1741 in which the property is held, including accessing the account
1742 or information concerning the account, or a direction by the
1743 apparent owner to increase, decrease, or otherwise change the
1744 amount or type of property held in the account;

1745 (e) A deposit into or withdrawal from an account at a
1746 financial organization, excluding an automatic deposit or
1747 withdrawal previously authorized by the apparent owner or an
1748 automatic reinvestment of dividends or interest, which does not
1749 constitute an expression of interest; or

1750 (f) Any other action by the apparent owner which reasonably
1751 demonstrates to the holder that the apparent owner knows that
1752 the property exists.

1753 (4) If a holder learns or receives confirmation of an
1754 apparent owner's death, the property is presumed unclaimed 2
1755 years after the date of death, unless a fiduciary appointed to
1756 represent the estate of the apparent owner has made an
1757 expression of interest in the property before the expiration of
1758 the 2-year period. This subsection may not be construed to
1759 extend the otherwise applicable dormancy period prescribed by
1760 this chapter.

1761 Section 39. Subsection (5) of section 717.106, Florida
1762 Statutes, is amended to read:

1763 717.106 Bank deposits and funds in financial
1764 organizations.—

1765 (5) If the documents establishing a deposit described in
1766 subsection (1) state the address of a beneficiary of the
1767 deposit, and the account has a value of at least \$50, notice
1768 shall be given to the beneficiary as provided for notice to the
1769 apparent owner under s. 717.117(6) ~~s. 717.117(4)~~. This

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1770 subsection shall apply to accounts opened on or after October 1,
1771 1990.

1772 Section 40. Section 717.1065, Florida Statutes, is created
1773 to read:

1774 717.1065 Virtual currency.-

1775 (1) Any virtual currency held or owned by a banking
1776 organization, corporation, custodian, exchange, or other entity
1777 engaged in virtual currency business activity is presumed
1778 unclaimed unless the owner, within 5 years, has communicated in
1779 writing with the banking organization, corporation, custodian,
1780 exchange, or other entity engaged in virtual currency business
1781 activity concerning the virtual currency or otherwise indicated
1782 an interest as evidenced by a memorandum or other record on file
1783 with the banking organization, corporation, custodian, exchange,
1784 or other entity engaged in virtual currency business activity.

1785 (2) A holder may not deduct from the amount of any virtual
1786 currency subject to this section any charges imposed by reason
1787 of the virtual currency unless there is a valid and enforceable
1788 written contract between the holder and the owner of the virtual
1789 currency pursuant to which the holder may impose those charges
1790 and the holder does not regularly reverse or otherwise cancel
1791 those charges with respect to the virtual currency.

1792 Section 41. Paragraph (a) of subsection (1) of section
1793 717.1101, Florida Statutes, is amended to read:

1794 717.1101 Unclaimed equity and debt of business
1795 associations.-

1796 (1) (a) Stock or other equity interest in a business
1797 association is presumed unclaimed on the date of ~~3 years after~~
1798 the earliest of the following:

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1799 1. Three years after ~~The date of~~ the most recent of any
1800 owner-generated activity or communication related to the
1801 account, as recorded and maintained in the holder's database and
1802 records systems sufficient enough to demonstrate the owner's
1803 continued awareness or interest in the property ~~dividend, stock~~
1804 ~~split, or other distribution unclaimed by the apparent owner;~~

1805 2. Three years after the date of the death of the owner, as
1806 evidenced by: ~~The date of a statement of account or other~~
1807 ~~notification or communication that was returned as~~
1808 ~~undeliverable; or~~

1809 a. Notice to the holder of the owner's death by an
1810 administrator, beneficiary, relative, or trustee, or by a
1811 personal representative or other legal representative of the
1812 owner's estate;

1813 b. Receipt by the holder of a copy of the death certificate
1814 of the owner;

1815 c. Confirmation by the holder of the owner's death through
1816 other means; or

1817 d. Other evidence from which the holder may reasonably
1818 conclude that the owner is deceased; or

1819 3. One year after the date on which the holder receives
1820 notice under subparagraph 2. if the notice is received 2 years
1821 or less after the owner's death and the holder lacked knowledge
1822 of the owner's death during that period of 2 years or less ~~The~~
1823 ~~date the holder discontinued mailings, notifications, or~~
1824 ~~communications to the apparent owner.~~

1825 Section 42. Subsection (1) of section 717.112, Florida
1826 Statutes, is amended, and subsection (6) is added to that
1827 section, to read:

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1828 717.112 Property held by agents and fiduciaries.—

1829 (1) ~~Except as provided in ss. 717.1125 and 733.816,~~ All
1830 intangible property and any income or increment thereon held in
1831 a fiduciary capacity for the benefit of another person,
1832 including property held by an attorney in fact or an agent,
1833 except as provided in ss. 717.1125 and 733.816, is presumed
1834 unclaimed unless the owner has within 5 years after it has
1835 become payable or distributable increased or decreased the
1836 principal, accepted payment of principal or income, communicated
1837 in writing concerning the property, or otherwise indicated an
1838 interest as evidenced by a memorandum or other record on file
1839 with the fiduciary.

1840 (6) This section does not relieve a fiduciary of its duties
1841 under applicable Florida law.

1842 Section 43. Section 717.1125, Florida Statutes, is amended
1843 to read:

1844 717.1125 Property held by fiduciaries under trust
1845 instruments.—All intangible property and any income or increment
1846 thereon held in a fiduciary capacity for the benefit of another
1847 person under a trust instrument is presumed unclaimed unless the
1848 owner has, within 2 years after it has become payable or
1849 distributable, increased or decreased the principal, accepted
1850 payment of principal or income, communicated concerning the
1851 property, or otherwise indicated an interest as evidenced by a
1852 memorandum or other record on file with the fiduciary. This
1853 section does not relieve a fiduciary of its duties under the
1854 Florida Trust Code.

1855 Section 44. Effective January 1, 2025, section 717.117,
1856 Florida Statutes, is amended to read:

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1857 717.117 Report of unclaimed property.-

1858 (1) Every person holding funds or other property, tangible
1859 or intangible, presumed unclaimed and subject to custody as
1860 unclaimed property under this chapter shall report to the
1861 department ~~on such forms as the department may prescribe by~~
1862 ~~rule. In lieu of forms, a report identifying 25 or more~~
1863 ~~different apparent owners must be submitted by the holder via~~
1864 electronic medium as the department may prescribe by rule. The
1865 report must include:

1866 (a) Except for traveler's checks and money orders, the
1867 name, social security number or taxpayer identification number,
1868 ~~and~~ date of birth, if known, and last known address, if any, of
1869 each person appearing from the records of the holder to be the
1870 owner of any property which is presumed unclaimed and which has
1871 a value of \$10 ~~\$50~~ or more.

1872 (b) For unclaimed funds that ~~which~~ have a value of \$10 ~~\$50~~
1873 or more held or owing under any life or endowment insurance
1874 policy or annuity contract, the identifying information required
1875 to be provided under paragraph (a) for both ~~full name, taxpayer~~
1876 ~~identification number or social security number, date of birth,~~
1877 ~~if known, and last known address of the insured or annuitant and~~
1878 ~~of the beneficiary according to records of the insurance company~~
1879 holding or owing the funds.

1880 (c) For all tangible property held in a safe-deposit box or
1881 other safekeeping repository, a description of the property and
1882 the place where the property is held and may be inspected by the
1883 department, and any amounts owing to the holder. Contents of a
1884 safe-deposit box or other safekeeping repository which consist
1885 of documents or writings of a private nature and which have

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1886 little or no apparent value shall not be presumed unclaimed.

1887 (d) The nature or type of property, any accounting or and
1888 identifying number associated with the property, a if any, or
1889 description of the property, and the amount appearing from the
1890 records to be due. Items of value less than \$10 ~~under \$50~~ each
1891 may be reported in the aggregate.

1892 (e) The date the property became payable, demandable, or
1893 returnable, and the date of the last transaction with the
1894 apparent owner with respect to the property.

1895 (f) Any other information the department may prescribe by
1896 rule as necessary for the administration of this chapter.

1897 (2) If the total value of all presumed unclaimed property,
1898 whether tangible or intangible, held by a person is less than
1899 \$10, a zero balance report may be filed for that reporting
1900 period

1901 ~~(f) Any person or business association or public~~
1902 ~~corporation holding funds presumed unclaimed and having a total~~
1903 ~~value of \$10 or less may file a zero balance report for that~~
1904 ~~reporting period. The balance brought forward to the new~~
1905 ~~reporting period is zero.~~

1906 ~~(g) Such other information as the department may prescribe~~
1907 ~~by rule as necessary for the administration of this chapter.~~

1908 (3) ~~(h)~~ Credit balances, customer overpayments, security
1909 deposits, and refunds having a value of less than \$10 may ~~shall~~
1910 not be presumed unclaimed.

1911 (4) ~~(2)~~ If the holder of property presumed unclaimed and
1912 subject to custody as unclaimed property is a successor holder
1913 or if the holder has changed the holder's name while in
1914 possession of the property, the holder must ~~shall~~ file with the

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1915 holder's report all known names and addresses of each prior
1916 holder of the property. Compliance with this subsection means
1917 the holder exercises reasonable and prudent efforts to determine
1918 the names of all prior holders.

1919 (5)~~(3)~~ The report must be filed before May 1 of each year.
1920 The report applies ~~shall apply~~ to the preceding calendar year.
1921 Upon written request by any person required to file a report,
1922 and upon a showing of good cause, the department may extend the
1923 reporting date. The department may impose and collect a penalty
1924 of \$10 per day up to a maximum of \$500 for the failure to timely
1925 report, if an extension was not provided or if the holder of the
1926 property failed ~~the failure~~ to include in a report information
1927 required by this chapter which was in the holder's possession at
1928 the time of reporting. The penalty must ~~shall~~ be remitted to the
1929 department within 30 days after the date of the notification to
1930 the holder that the penalty is due and owing. As necessary for
1931 proper administration of this chapter, the department may waive
1932 any penalty due with appropriate justification. ~~On written~~
1933 ~~request by any person required to file a report and upon a~~
1934 ~~showing of good cause, the department may postpone the reporting~~
1935 ~~date.~~ The department must provide information contained in a
1936 report filed with the department to any person requesting a copy
1937 of the report or information contained in a report, to the
1938 extent the information requested is not confidential, within 45
1939 days after the department determines that the report ~~has been~~
1940 ~~processed and added to the unclaimed property database~~
1941 ~~subsequent to a determination that the report is accurate and~~
1942 acceptable and that the reported property is the same as the
1943 remitted property.

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1944 (6)~~(4)~~ Holders of inactive accounts having a value of \$50
1945 or more shall use due diligence to locate and notify apparent
1946 owners that the entity is holding unclaimed property available
1947 for them to recover. Not more than 120 days and not less than 60
1948 days prior to filing the report required by this section, the
1949 holder in possession of property presumed unclaimed and subject
1950 to custody as unclaimed property under this chapter shall send
1951 written notice by first-class United States mail to the apparent
1952 owner at the apparent owner's last known address from the
1953 holder's records or from other available sources, or via
1954 electronic mail if the apparent owner has elected this method of
1955 delivery, informing the apparent owner that the holder is in
1956 possession of property subject to this chapter, if the holder
1957 has in its records a mailing or electronic ~~an~~ address for the
1958 apparent owner which the holder's records do not disclose to be
1959 inaccurate. These two means of contact are not mutually
1960 exclusive; if the mailing address is determined to be
1961 inaccurate, electronic mail may be used if so elected by the
1962 apparent owner.

1963 (7) The written notice to the apparent owner required under
1964 this section must:

1965 (a) Contain a heading that reads substantially as follows:
1966 "Notice. The State of Florida requires us to notify you that
1967 your property may be transferred to the custody of the Florida
1968 Department of Financial Services if you do not contact us before
1969 (insert date that is at least 30 days after the date of the
1970 notice)."

1971 (b) Identify the type, nature, and, except for property
1972 that does not have a fixed value, value of the property that is

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1973 the subject of the notice.

1974 (c) State that the property will be turned over to the
1975 custody of the department as unclaimed property if no response
1976 to this letter is received.

1977 (d) State that any property that is not legal tender of the
1978 United States may be sold or liquidated by the department.

1979 (e) State that after the property is turned over to the
1980 department, an apparent owner seeking return of the property may
1981 file a claim with the department.

1982 (f) State that the property is currently with a holder and
1983 provide instructions that the apparent owner must follow to
1984 prevent the holder from reporting and paying for the property or
1985 from delivering the property to the department.

1986 (8)~~(5)~~ Any holder of intangible property may file with the
1987 department a petition for determination that the property is
1988 unclaimed requesting the department to accept custody of the
1989 property. The petition shall state any special circumstances
1990 that exist, contain the information required by subsection (4)
1991 ~~(2)~~, and show that a diligent search has been made to locate the
1992 owner. If the department finds that the proof of diligent search
1993 is satisfactory, it shall give notice as provided in s. 717.118
1994 and accept custody of the property.

1995 (9)~~(6)~~ Upon written request by any entity or person
1996 required to file a report, stating such entity's or person's
1997 justification for such action, the department may place that
1998 entity or person in an inactive status as an unclaimed property
1999 "holder."

2000 (10)~~(7)~~ (a) This section does not apply to the unclaimed
2001 patronage refunds as provided for by contract or through bylaw

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2002 provisions of entities organized under chapter 425 or that are
2003 exempt from ad valorem taxation pursuant to s. 196.2002.

2004 (b) This section does not apply to intangible property
2005 held, issued, or owing by a business association subject to the
2006 jurisdiction of the United States Surface Transportation Board
2007 or its successor federal agency if the apparent owner of such
2008 intangible property is a business association. The holder of
2009 such property does not have any obligation to report, to pay, or
2010 to deliver such property to the department.

2011 (c) This section does not apply to credit balances,
2012 overpayments, refunds, or outstanding checks owed by a health
2013 care provider to a managed care payor with whom the health care
2014 provider has a managed care contract, provided that the credit
2015 balances, overpayments, refunds, or outstanding checks become
2016 due and owing pursuant to the managed care contract.

2017 (11)~~(8)~~ (a) As used in this subsection, the term "property
2018 identifier" means the descriptor used by the holder to identify
2019 the unclaimed property.

2020 (b) Social security numbers and property identifiers
2021 contained in reports required under this section, held by the
2022 department, are confidential and exempt from s. 119.07(1) and s.
2023 24(a), Art. I of the State Constitution.

2024 (c) This exemption applies to social security numbers and
2025 property identifiers held by the department before, on, or after
2026 the effective date of this exemption.

2027 Section 45. Present subsections (4), (5), and (6) of
2028 section 717.119, Florida Statutes, are redesignated as
2029 subsections (5), (6), and (7), respectively, and a new
2030 subsection (4) and subsection (8) are added to that section, to

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2031 read:

2032 717.119 Payment or delivery of unclaimed property.—

2033 (4) All virtual currency reported under this chapter on the
2034 annual report filing required in s. 717.117 shall be remitted to
2035 the department with the report. The holder shall liquidate the
2036 virtual currency and remit the proceeds to the department. The
2037 liquidation must occur within 30 days before the filing of the
2038 report. Upon delivery of the virtual currency proceeds to the
2039 department, the holder is relieved of all liability of every
2040 kind in accordance with the provisions of s. 717.1201 to every
2041 person for any losses or damages resulting to the person by the
2042 delivery to the department of the virtual currency proceeds.

2043 (8) A holder may not assign or otherwise transfer its
2044 obligation to report, pay, or deliver property or to comply with
2045 the provisions of this chapter, other than to a parent,
2046 subsidiary, or affiliate of the holder.

2047 (a) Unless otherwise agreed to by the parties to a
2048 transaction, the holder's successor by merger or consolidation,
2049 or any person or entity that acquires all or substantially all
2050 of the holder's capital stock or assets, is responsible for
2051 fulfilling the holder's obligation to report, pay, or deliver
2052 property or to comply with the duties of this chapter regarding
2053 the transfer of property owed to the holder's successor and
2054 being held for an owner resulting from the merger,
2055 consolidation, or acquisition.

2056 (b) This subsection does not prohibit a holder from
2057 contracting with a third party for the reporting of unclaimed
2058 property, but the holder remains responsible to the department
2059 for the complete, accurate, and timely reporting of the

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2060 property.

2061 Section 46. Section 717.1201, Florida Statutes, is amended
2062 to read:

2063 717.1201 Custody by state; holder ~~relieved from~~ liability;
2064 reimbursement of holder paying claim; reclaiming for owner;
2065 ~~defense of holder~~; payment of safe-deposit box or repository
2066 charges.-

2067 (1) Upon the good faith payment or delivery of property to
2068 the department, the state assumes custody and responsibility for
2069 the safekeeping of the property. Any person who pays or delivers
2070 unclaimed property to the department in good faith is relieved
2071 of all liability to the extent of the value of the property paid
2072 or delivered for any claim then existing or which thereafter may
2073 arise or be made in respect to the property.

2074 (a) A holder's substantial compliance with s. 717.117(6)
2075 and good faith payment or delivery of unclaimed property to the
2076 department releases the holder from liability that may arise
2077 from such payment or delivery, and such delivery and payment may
2078 be pled as a defense in any suit or action brought by reason of
2079 such delivery or payment. This paragraph does not relieve a
2080 fiduciary of its duties under the Florida Trust Code or Florida
2081 Probate Code.

2082 (b) If the holder pays or delivers property to the
2083 department in good faith and thereafter any other person claims
2084 the property from the holder paying or delivering, or another
2085 state claims the money or property under that state's laws
2086 relating to escheat or abandoned or unclaimed property, the
2087 department, upon written notice of the claim, shall defend the
2088 holder against the claim and indemnify the holder against any

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2089 liability on the claim, except that a holder may not be
2090 indemnified against penalties imposed by another state.

2091 (2) For the purposes of this section, a payment or delivery
2092 of unclaimed property is made in good faith if:

2093 (a) The payment or delivery was made in conjunction with an
2094 accurate and acceptable report.

2095 (b) The payment or delivery was made in a reasonable
2096 attempt to comply with this chapter and other applicable Florida
2097 law.

2098 (c) The holder had a reasonable basis for believing, based
2099 on the facts then known, that the property was unclaimed and
2100 subject to this chapter.

2101 (d) There is no showing that the records pursuant to which
2102 the delivery was made did not meet reasonable commercial
2103 standards of practice in the industry.

2104 (3)~~(2)~~ Any holder who has paid money to the department
2105 pursuant to this chapter may make payment to any person
2106 appearing to be entitled to payment and, upon filing proof that
2107 the payee is entitled thereto, the department shall forthwith
2108 repay the holder without deduction of any fee or other charges.
2109 If repayment is sought for a payment made on a negotiable
2110 instrument, including a traveler's check or money order, the
2111 holder must be repaid under this subsection upon filing proof
2112 that the instrument was duly presented and that the payee is
2113 entitled to payment. The holder shall be repaid for payment made
2114 under this subsection even if the payment was made to a person
2115 whose claim was barred under s. 717.129(1).

2116 (4)~~(3)~~ Any holder who has delivered property, including a
2117 certificate of any interest in a business association, other

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2118 than money to the department pursuant to this chapter may
2119 reclaim the property if still in the possession of the
2120 department, without payment of any fee or other charges, upon
2121 filing proof that the owner has claimed the property from the
2122 holder.

2123 (5)~~(4)~~ The department may accept an affidavit of the holder
2124 stating the facts that entitle the holder to recover money and
2125 property under this section as sufficient proof.

2126 ~~(5) If the holder pays or delivers property to the
2127 department in good faith and thereafter any other person claims
2128 the property from the holder paying or delivering, or another
2129 state claims the money or property under that state's laws
2130 relating to escheat or abandoned or unclaimed property, the
2131 department, upon written notice of the claim, shall defend the
2132 holder against the claim and indemnify the holder against any
2133 liability on the claim.~~

2134 ~~(6) For the purposes of this section, "good faith" means
2135 that:~~

2136 ~~(a) Payment or delivery was made in a reasonable attempt to
2137 comply with this chapter.~~

2138 ~~(b) The person delivering the property was not a fiduciary
2139 then in breach of trust in respect to the property and had a
2140 reasonable basis for believing, based on the facts then known to
2141 that person, that the property was unclaimed for the purposes of
2142 this chapter.~~

2143 ~~(c) There is no showing that the records pursuant to which
2144 the delivery was made did not meet reasonable commercial
2145 standards of practice in the industry.~~

2146 (6)~~(7)~~ Property removed from a safe-deposit box or other

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2147 safekeeping repository is received by the department subject to
2148 the holder's right under this subsection to be reimbursed for
2149 the actual cost of the opening and to any valid lien or contract
2150 providing for the holder to be reimbursed for unpaid rent or
2151 storage charges. The department shall make the reimbursement to
2152 the holder out of the proceeds remaining after the deduction of
2153 the department's selling cost.

2154 (7) If it appears to the satisfaction of the department
2155 that, because of some mistake of fact, error in calculation, or
2156 erroneous interpretation of a statute, a person has paid or
2157 delivered to the department pursuant to any provision of this
2158 chapter any money or other property not required by this chapter
2159 to be so paid or delivered, the department may, within 5 years
2160 after such erroneous payment or delivery, refund or redeliver
2161 such money or other property to the person, provided that such
2162 money or property has not been paid or delivered to a claimant
2163 or otherwise disposed of in accordance with this chapter.

2164 Section 47. Subsection (1) of section 717.1242, Florida
2165 Statutes, is amended to read:

2166 717.1242 Restatement of jurisdiction of the circuit court
2167 sitting in probate and the department.-

2168 (1) It is and has been the intent of the Legislature that,
2169 pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of
2170 proceedings relating to the settlement of the estates of
2171 decedents and other jurisdiction usually pertaining to courts of
2172 probate. It is and has been the intent of the Legislature that,
2173 pursuant to this chapter s. ~~717.124~~, the department determines
2174 the merits of claims and entitlement to unclaimed ~~for~~ property
2175 paid or delivered to the department under this chapter.

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2176 Consistent with this legislative intent, any ~~estate or~~
2177 beneficiary, devisee, heir, personal representative, or other
2178 interested person, as those terms are defined in the Florida
2179 Probate Code and the Florida Trust Code s. 731.201, of an estate
2180 seeking to obtain property paid or delivered to the department
2181 under this chapter must file a claim with the department as
2182 provided in s. 717.124.

2183 Section 48. Subsection (4) of section 717.1243, Florida
2184 Statutes, is amended to read:

2185 717.1243 Small estate accounts.—

2186 (4) This section ~~only~~ applies only if all of the unclaimed
2187 property held by the department on behalf of the owner has an
2188 aggregate value of \$20,000 ~~\$10,000~~ or less and no probate
2189 proceeding is pending.

2190 Section 49. Subsection (2) of section 717.129, Florida
2191 Statutes, is amended to read:

2192 717.129 Periods of limitation.—

2193 (2) The department may not commence an ~~No~~ action or
2194 proceeding to enforce this chapter with respect to the
2195 reporting, payment, or delivery of property or any other duty of
2196 a holder under this chapter ~~may be commenced by the department~~
2197 ~~with respect to any duty of a holder under this chapter~~ more
2198 than 10 years after the duty arose. The period of limitation
2199 established under this subsection is tolled by the earlier of
2200 the department's or audit agent's delivery of a notice that a
2201 holder is subject to an audit or examination under s. 717.1301
2202 or the holder's written election to enter into an unclaimed
2203 property voluntary disclosure agreement.

2204 Section 50. Section 717.1301, Florida Statutes, is amended

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2205 to read:

2206 717.1301 Investigations; examinations; subpoenas.—

2207 (1) To carry out the chapter's purpose of protecting the
2208 interest of missing owners through the safeguarding of their
2209 property and to administer and enforce this chapter, the
2210 department may:

2211 (a) Investigate, examine, inspect, request, or otherwise
2212 gather information or evidence on claim documents from a
2213 claimant or a claimant's representative during its review of a
2214 claim.

2215 (b) Audit the records of a person or the records in the
2216 possession of an agent, representative, subsidiary, or affiliate
2217 of the person subject to this chapter to determine whether the
2218 person complied with this chapter. Such records may include
2219 information to verify the completeness or accuracy of the
2220 records provided, even if such records may not identify property
2221 reportable to the department.

2222 (c) Take testimony of a person, including the person's
2223 employee, agent, representative, subsidiary, or affiliate, to
2224 determine whether the person complied with this chapter.

2225 (d) Issue an administrative subpoena to require that the
2226 records specified in paragraph (b) be made available for
2227 examination or audit and that the testimony specified in
2228 paragraph (c) be provided.

2229 (e) Bring an action in a court of competent jurisdiction
2230 seeking enforcement of an administrative subpoena issued under
2231 this section, which the court shall consider under procedures
2232 that will lead to an expeditious resolution of the action.

2233 (f) Bring an administrative action or an action in a court

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2234 of competent jurisdiction to enforce this chapter.

2235 (2) If a person is subject to reporting property under this
2236 chapter, the department may require the person to file a
2237 verified report in a form prescribed by the department. The
2238 verified report must:

2239 (a) State whether the person is holding property reportable
2240 under this chapter;

2241 (b) Describe the property not previously reported, the
2242 property about which the department has inquired, or the
2243 property that is in dispute as to whether it is reportable under
2244 this chapter; and

2245 (c) State the amount or value of the property.

2246 (3) The department may authorize a compliance review of a
2247 report for a specified reporting year. The review must be
2248 limited to the contents of the report filed, as required by s.
2249 717.117 and subsection (2), and all supporting documents related
2250 to the reports. If the review results in a finding of a
2251 deficiency in unclaimed property due and payable to the
2252 department, the department shall notify the holder in writing of
2253 the amount of deficiency within 1 year after the authorization
2254 of the compliance review. If the holder fails to pay the
2255 deficiency within 90 days, the department may seek to enforce
2256 the assessment under subsection (1). The department is not
2257 required to conduct a review under this section before
2258 initiating an audit.

2259 (4) Notwithstanding any other provision of law, in a
2260 contract providing for the location or collection of unclaimed
2261 property, the department may authorize the contractor to deduct
2262 its fees and expenses for services provided under the contract

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2263 from the unclaimed property that the contractor has recovered or
2264 collected under the contract. The department shall annually
2265 report to the Chief Financial Officer the total amount collected
2266 or recovered by each contractor during the previous fiscal year
2267 and the total fees and expenses deducted by each contractor.

2268 ~~(1) The department may make investigations and examinations~~
2269 ~~within or outside this state of claims, reports, and other~~
2270 ~~records as it deems necessary to administer and enforce the~~
2271 ~~provisions of this chapter. In such investigations and~~
2272 ~~examinations the department may administer oaths, examine~~
2273 ~~witnesses, issue subpoenas, and otherwise gather evidence. The~~
2274 ~~department may request any person who has not filed a report~~
2275 ~~under s. 717.117 to file a verified report stating whether or~~
2276 ~~not the person is holding any unclaimed property reportable or~~
2277 ~~deliverable under this chapter.~~

2278 ~~(2) Subpoenas for witnesses whose evidence is deemed~~
2279 ~~material to any investigation or examination under this section~~
2280 ~~may be issued by the department under seal of the department, or~~
2281 ~~by any court of competent jurisdiction, commanding such~~
2282 ~~witnesses to appear before the department at a time and place~~
2283 ~~named and to bring such books, records, and documents as may be~~
2284 ~~specified or to submit such books, records, and documents to~~
2285 ~~inspection. Such subpoenas may be served by an authorized~~
2286 ~~representative of the department.~~

2287 ~~(3) If any person shall refuse to testify, produce books,~~
2288 ~~records, and documents, or otherwise refuse to obey a subpoena~~
2289 ~~issued under this section, the department may present its~~
2290 ~~petition to a court of competent jurisdiction in or for the~~
2291 ~~county in which such person resides or has its principal place~~

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2292 of business, ~~whereupon the court shall issue its rule nisi~~
2293 ~~requiring such person to obey forthwith the subpoena issued by~~
2294 ~~the department or show cause for failing to obey said subpoena.~~
2295 ~~Unless said person shows sufficient cause for failing to obey~~
2296 ~~the subpoena, the court shall forthwith direct such person to~~
2297 ~~obey the same subject to such punishment as the court may direct~~
2298 ~~including, but not limited to, the restraint, by injunction or~~
2299 ~~by appointment of a receiver, of any transfer, pledge,~~
2300 ~~assignment, or other disposition of such person's assets or any~~
2301 ~~concealment, alteration, destruction, or other disposition of~~
2302 ~~subpoenaed books, records, or documents as the court deems~~
2303 ~~appropriate, until such person has fully complied with such~~
2304 ~~subpoena and the department has completed its investigation or~~
2305 ~~examination. The department is entitled to the summary procedure~~
2306 ~~provided in s. 51.011, and the court shall advance the cause on~~
2307 ~~its calendar. Costs incurred by the department to obtain an~~
2308 ~~order granting, in whole or in part, its petition shall be taxed~~
2309 ~~against the subpoenaed person, and failure to comply with such~~
2310 ~~order shall be a contempt of court.~~

2311 ~~(4) Witnesses shall be entitled to the same fees and~~
2312 ~~mileage as they may be entitled by law for attending as~~
2313 ~~witnesses in the circuit court, except where such examination or~~
2314 ~~investigation is held at the place of business or residence of~~
2315 ~~the witness.~~

2316 (5) The material compiled by the department in an
2317 investigation or examination under this chapter is confidential
2318 until the investigation or examination is complete. If any such
2319 material contains a holder's financial or proprietary
2320 information, it may not be disclosed or made public by the

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2321 department after the investigation or audit is completed, except
2322 as required by a court of competent jurisdiction in the course
2323 of a judicial proceeding in which the state is a party, or
2324 pursuant to an agreement with another state allowing joint
2325 audits. Such material may be considered a trade secret and
2326 exempt from s. 119.07(1) as provided for in s. 119.0715. The
2327 records, data, and information gathered ~~material compiled~~ by the
2328 department in an investigation or audit ~~examination~~ under this
2329 chapter remain ~~remains~~ confidential ~~after the department's~~
2330 ~~investigation or examination is complete~~ if the department has
2331 submitted the material or any part of it to any law enforcement
2332 agency or other administrative agency for further investigation
2333 or for the filing of a criminal or civil prosecution and such
2334 investigation has not been completed or become inactive.

2335 (6) If an investigation or an audit ~~examination~~ of the
2336 records of any person results in the disclosure of property
2337 reportable and deliverable under this chapter, the department
2338 may assess the cost of the investigation or audit ~~the~~
2339 ~~examination~~ against the holder at the rate of ~~\$100 per 8-hour~~
2340 ~~day for each investigator or examiner. Such fee shall be~~
2341 ~~calculated on an hourly basis and shall be rounded to the~~
2342 ~~nearest hour. The person shall also pay the travel expense and~~
2343 ~~per diem subsistence allowance provided for state employees in~~
2344 ~~s. 112.061. The person shall not be required to pay a per diem~~
2345 ~~fee and expenses of an examination or investigation which shall~~
2346 ~~consume more than 30 worker-days in any one year unless such~~
2347 ~~examination or investigation is due to fraudulent practices of~~
2348 ~~the person, in which case such person shall be required to pay~~
2349 ~~the entire cost regardless of time consumed. The fee for the~~ the

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2350 costs of the investigation or audit shall be remitted to the
2351 department within 30 days after the date of the notification
2352 that the fee is due and owing. Any person who fails to pay the
2353 fee within 30 days after the date of the notification that the
2354 fee is due and owing shall pay to the department interest at the
2355 rate of 12 percent per annum on such fee from the date of the
2356 notification.

2357 Section 51. Subsection (1) of section 717.1311, Florida
2358 Statutes, is amended to read:

2359 717.1311 Retention of records.—

2360 (1) Every holder required to file a report under s. 717.117
2361 shall maintain a record of the specific type of property,
2362 amount, name, and last known address of the owner for 10 ~~5~~ years
2363 after the property becomes reportable, except to the extent that
2364 a shorter time is provided in subsection (2) or by rule of the
2365 department.

2366 Section 52. Paragraph (j) of subsection (1) and subsection
2367 (3) of section 717.1322, Florida Statutes, are amended to read:

2368 717.1322 Administrative and civil enforcement.—

2369 (1) The following acts are violations of this chapter and
2370 constitute grounds for an administrative enforcement action by
2371 the department in accordance with the requirements of chapter
2372 120 and for civil enforcement by the department in a court of
2373 competent jurisdiction:

2374 (j) Requesting or receiving compensation for notifying a
2375 person of his or her unclaimed property or assisting another
2376 person in filing a claim for unclaimed property, unless the
2377 person is an attorney licensed to practice law in this state, a
2378 Florida-certified public accountant, or a private investigator

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2379 licensed under chapter 493, or entering into, or making a
2380 solicitation to enter into, an agreement to file a claim for
2381 unclaimed property owned by another, ~~or a contract or agreement~~
2382 ~~to purchase unclaimed property,~~ unless such person is registered
2383 with the department under this chapter and an attorney licensed
2384 to practice law in this state in the regular practice of her or
2385 his profession, a Florida-certified public accountant who is
2386 acting within the scope of the practice of public accounting as
2387 defined in chapter 473, or a private investigator licensed under
2388 chapter 493. This paragraph does not apply to a person who has
2389 been granted a durable power of attorney to convey and receive
2390 all of the real and personal property of the owner, is the
2391 court-appointed guardian of the owner, has been employed as an
2392 attorney or qualified representative to contest the department's
2393 denial of a claim, or has been employed as an attorney to
2394 probate the estate of the owner or an heir or legatee of the
2395 owner.

2396 (3) A claimant's representative ~~registrant~~ is subject to
2397 civil enforcement and the disciplinary actions specified in
2398 subsection (2) for violations of subsection (1) by an agent or
2399 employee of the registrant's employer if the claimant's
2400 representative ~~registrant~~ knew or should have known that such
2401 agent or employee was violating any provision of this chapter.

2402 Section 53. Subsection (1) of section 717.1333, Florida
2403 Statutes, is amended to read:

2404 717.1333 Evidence; estimations; audit reports and
2405 worksheets, investigator ~~examiner's worksheets, investigative~~
2406 reports and worksheets, other related documents.—

2407 (1) In any proceeding involving a holder under ss. 120.569

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2408 and 120.57 in which an audit agent ~~auditor, examiner,~~ or
2409 investigator acting under authority of this chapter is available
2410 for cross-examination, any official written report, worksheet,
2411 or other related paper, or copy thereof, compiled, prepared,
2412 drafted, or otherwise made or received by the audit agent
2413 ~~auditor, examiner,~~ or investigator, after being duly
2414 authenticated by the audit agent ~~auditor, examiner,~~ or
2415 investigator, may be admitted as competent evidence upon the
2416 oath of the audit agent ~~auditor, examiner,~~ or investigator that
2417 the report, worksheet, or related paper was prepared or received
2418 as a result of an audit, examination, or investigation of the
2419 books and records of the person audited, examined, or
2420 investigated, or the agent thereof.

2421 Section 54. Subsections (1) and (2) of section 717.134,
2422 Florida Statutes, are amended to read:

2423 717.134 Penalties and interest.—

2424 (1) For any person who willfully fails to render any report
2425 required under this chapter, the department may impose and
2426 collect a penalty of \$500 per day up to a maximum of \$5,000 and
2427 25 percent of the value of property not reported until an
2428 appropriate ~~a~~ report is provided ~~rendered for any person who~~
2429 ~~willfully fails to render any report required under this~~
2430 ~~chapter.~~ Upon a holder's showing of good cause, the department
2431 may waive said penalty or any portion thereof. If the holder
2432 acted in good faith and without negligence, the department shall
2433 waive the penalty provided herein.

2434 (2) For any person who willfully refuses to pay or deliver
2435 unclaimed property to the department as required under this
2436 chapter, the department may impose and collect a penalty of \$500

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2437 per day up to a maximum of \$5,000 and 25 percent of the value of
2438 property not paid or delivered until the property is paid or
2439 ~~delivered for any person who willfully refuses to pay or deliver~~
2440 ~~abandoned property to the department as required under this~~
2441 ~~chapter.~~

2442 Section 55. Section 717.135, Florida Statutes, is amended
2443 to read:

2444 717.135 Recovery agreements and purchase agreements for
2445 claims filed by a claimant's representative; fees and costs, or
2446 total net gain.—

2447 (1) In order to protect the interests of owners of
2448 unclaimed property, the department shall adopt by rule a form
2449 entitled "Unclaimed Property Recovery Agreement" and a form
2450 entitled "Unclaimed Property Purchase Agreement."

2451 (2) The Unclaimed Property Recovery Agreement and the
2452 Unclaimed Property Purchase Agreement must include and disclose
2453 all of the following:

2454 (a) The total dollar amount of unclaimed property accounts
2455 claimed or sold.

2456 (b) The total percentage of all authorized fees and costs
2457 to be paid to the claimant's representative or the percentage of
2458 the value of the property to be paid as net gain to the
2459 purchasing claimant's representative.

2460 (c) The total dollar amount to be deducted and received
2461 from the claimant as fees and costs by the claimant's
2462 representative or the total net dollar amount to be received by
2463 the purchasing claimant's representative.

2464 (d) The net dollar amount to be received by the claimant or
2465 the seller.

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2466 (e) For each account claimed, the unclaimed property
2467 account number.

2468 (f) For the Unclaimed Property Purchase Agreement, a
2469 statement that the amount of the purchase price will be remitted
2470 to the seller by the purchaser within 30 days after the
2471 execution of the agreement by the seller.

2472 (g) The name, address, e-mail address, phone number, and
2473 license number of the claimant's representative.

2474 (h)1. The manual signature of the claimant or seller and
2475 the date signed, affixed on the agreement by the claimant or
2476 seller.

2477 2. Notwithstanding any other provision of this chapter to
2478 the contrary, the department may allow an apparent owner, who is
2479 also the claimant or seller, to sign the agreement
2480 electronically ~~for claims of \$2,000 or less~~. All electronic
2481 signatures on the Unclaimed Property Recovery Agreement and the
2482 Unclaimed Property Purchase Agreement must be affixed on the
2483 agreement by the claimant or seller using the specific,
2484 exclusive eSignature product and protocol authorized by the
2485 department.

2486 (i) The social security number or taxpayer identification
2487 number of the claimant or seller, if a number has been issued to
2488 the claimant or seller.

2489 (j) The total fees and costs, or the total discount in the
2490 case of a purchase agreement, which may not exceed 30 percent of
2491 the claimed amount. In the case of a recovery agreement, if the
2492 total fees and costs exceed 30 percent, the fees and costs shall
2493 be reduced to 30 percent and the net balance shall be remitted
2494 directly by the department to the claimant. In the case of a

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2495 purchase agreement, if the total net gain of the claimant's
2496 representative exceeds 30 percent, the claim will be denied.

2497 (3) For an Unclaimed Property Purchase Agreement form,
2498 proof that the purchaser has made payment must be filed with the
2499 department along with the claim. If proof of payment is not
2500 provided, the claim is void.

2501 (4) A claimant's representative must use the Unclaimed
2502 Property Recovery Agreement or the Unclaimed Property Purchase
2503 Agreement as the exclusive means of entering into an agreement
2504 or a contract with a claimant or seller to file a claim with the
2505 department.

2506 (5) Fees and costs may be owed or paid to, or received by,
2507 a claimant's representative only after a filed claim has been
2508 approved and if the claimant's representative used an agreement
2509 authorized by this section.

2510 (6) A claimant's representative may not use or distribute
2511 any other agreement of any type, conveyed by any method, with
2512 respect to the claimant or seller which relates, directly or
2513 indirectly, to unclaimed property accounts held by the
2514 department or the Chief Financial Officer other than the
2515 agreements authorized by this section. Any engagement,
2516 authorization, recovery, or fee agreement that is not authorized
2517 by this section is void. A claimant's representative is subject
2518 to administrative and civil enforcement under s. 717.1322 if he
2519 or she uses an agreement that is not authorized by this section
2520 and if the agreement is used to apply, directly or indirectly,
2521 to unclaimed property held by this state. This subsection does
2522 not prohibit lawful nonagreement, noncontractual, or advertising
2523 communications between or among the parties.

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2524 (7) The Unclaimed Property Recovery Agreement ~~and the~~
2525 ~~Unclaimed Property Purchase Agreement~~ may not contain language
2526 that makes the agreement irrevocable or that creates an
2527 assignment of any portion of unclaimed property held by the
2528 department.

2529 (8) When a claim is approved, the department may pay any
2530 additional account that is owned by the claimant but has not
2531 been claimed at the time of approval, provided that a subsequent
2532 claim has not been filed or is not pending for the claimant at
2533 the time of approval.

2534 (9) This section does not supersede s. 717.1241.

2535 (10) This section does not apply to the sale and purchase
2536 of Florida-held unclaimed property accounts through a bankruptcy
2537 estate representative or other person or entity authorized
2538 pursuant to Title 11 of the United States Code or an order of a
2539 bankruptcy court to act on behalf of or for the benefit of the
2540 debtor, its creditors, and its bankruptcy estate.

2541 Section 56. Subsections (1), (2), and (3) of section
2542 717.1400, Florida Statutes, are amended to read:

2543 717.1400 Registration.—

2544 (1) In order to file claims as a claimant's representative,
2545 ~~acquire ownership of or entitlement to unclaimed property,~~
2546 receive a distribution of fees and costs from the department,
2547 and obtain unclaimed property dollar amounts and numbers of
2548 reported shares of stock held by the department, a private
2549 investigator holding a Class "C" individual license under
2550 chapter 493 must register with the department on such form as
2551 the department prescribes by rule and must be verified by the
2552 applicant. To register with the department, a private

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2553 investigator must provide:

2554 (a) A legible copy of the applicant's Class "A" business
2555 license under chapter 493 or that of the applicant's firm or
2556 employer which holds a Class "A" business license under chapter
2557 493.

2558 (b) A legible copy of the applicant's Class "C" individual
2559 license issued under chapter 493.

2560 (c) The business address and telephone number of the
2561 applicant's private investigative firm or employer.

2562 (d) The names of agents or employees, if any, who are
2563 designated to act on behalf of the private investigator,
2564 together with a legible copy of their photo identification
2565 issued by an agency of the United States, or a state, or a
2566 political subdivision thereof.

2567 (e) Sufficient information to enable the department to
2568 disburse funds by electronic funds transfer.

2569 (f) The tax identification number of the private
2570 investigator's firm or employer which holds a Class "A" business
2571 license under chapter 493.

2572 (2) In order to file claims as a claimant's representative,
2573 ~~acquire ownership of or entitlement to unclaimed property,~~
2574 receive a distribution of fees and costs from the department,
2575 and obtain unclaimed property dollar amounts and numbers of
2576 reported shares of stock held by the department, a Florida-
2577 certified public accountant must register with the department on
2578 such form as the department prescribes by rule and must be
2579 verified by the applicant. To register with the department, a
2580 Florida-certified public accountant must provide:

2581 (a) The applicant's Florida Board of Accountancy number.

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2582 (b) A legible copy of the applicant's current driver
2583 license showing the full name and current address of such
2584 person. If a current driver license is not available, another
2585 form of identification showing the full name and current address
2586 of such person or persons shall be filed with the department.

2587 (c) The business address and telephone number of the
2588 applicant's public accounting firm or employer.

2589 (d) The names of agents or employees, if any, who are
2590 designated to act on behalf of the Florida-certified public
2591 accountant, together with a legible copy of their photo
2592 identification issued by an agency of the United States, or a
2593 state, or a political subdivision thereof.

2594 (e) Sufficient information to enable the department to
2595 disburse funds by electronic funds transfer.

2596 (f) The tax identification number of the accountant's
2597 public accounting firm employer.

2598 (3) In order to file claims as a claimant's representative,
2599 ~~acquire ownership of or entitlement to unclaimed property,~~
2600 receive a distribution of fees and costs from the department,
2601 and obtain unclaimed property dollar amounts and numbers of
2602 reported shares of stock held by the department, an attorney
2603 licensed to practice in this state must register with the
2604 department on such form as the department prescribes by rule and
2605 must be verified by the applicant. To register with the
2606 department, such attorney must provide:

2607 (a) The applicant's Florida Bar number.

2608 (b) A legible copy of the applicant's current driver
2609 license showing the full name and current address of such
2610 person. If a current driver license is not available, another

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2611 form of identification showing the full name and current address
2612 of such person or persons shall be filed with the department.

2613 (c) The business address and telephone number of the
2614 applicant's firm or employer.

2615 (d) The names of agents or employees, if any, who are
2616 designated to act on behalf of the attorney, together with a
2617 legible copy of their photo identification issued by an agency
2618 of the United States, or a state, or a political subdivision
2619 thereof.

2620 (e) Sufficient information to enable the department to
2621 disburse funds by electronic funds transfer.

2622 (f) The tax identification number of the attorney's firm or
2623 employer.

2624 Section 57. Paragraph (a) of subsection (2) of section
2625 197.582, Florida Statutes, is amended to read:

2626 197.582 Disbursement of proceeds of sale.—

2627 (2) (a) If the property is purchased for an amount in excess
2628 of the statutory bid of the certificateholder, the surplus must
2629 be paid over and disbursed by the clerk as set forth in
2630 subsections (3), (5), and (6). If the opening bid included the
2631 homestead assessment pursuant to s. 197.502(6)(c), that amount
2632 must be treated as surplus and distributed in the same manner.
2633 The clerk shall distribute the surplus to the governmental units
2634 for the payment of any lien of record held by a governmental
2635 unit against the property, including any tax certificates not
2636 incorporated in the tax deed application and omitted taxes, if
2637 any. If there remains a balance of undistributed funds, the
2638 balance must be retained by the clerk for the benefit of persons
2639 described in s. 197.522(1)(a), except those persons described in

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2640 s. 197.502(4)(h), as their interests may appear. The clerk shall
 2641 mail notices to such persons notifying them of the funds held
 2642 for their benefit at the addresses provided in s. 197.502(4).
 2643 Such notice constitutes compliance with the requirements of s.
 2644 717.117(6) ~~s. 717.117(4)~~. Any service charges and costs of
 2645 mailing notices shall be paid out of the excess balance held by
 2646 the clerk. Notice must be provided in substantially the
 2647 following form:

2648 NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE

2649 CLERK OF COURT

2650 COUNTY, FLORIDA

2651 Tax Deed #.....

2652 Certificate #.....

2653 Property Description:

2654 Pursuant to chapter 197, Florida Statutes, the above
 2655 property was sold at public sale on ...(date of sale)..., and a
 2656 surplus of \$...(amount)... (subject to change) will be held by
 2657 this office for 120 days beginning on the date of this notice to
 2658 benefit the persons having an interest in this property as
 2659 described in section 197.502(4), Florida Statutes, as their
 2660 interests may appear (except for those persons described in
 2661 section 197.502(4)(h), Florida Statutes).

2662 To the extent possible, these funds will be used to satisfy
 2663 in full each claimant with a senior mortgage or lien in the
 2664 property before distribution of any funds to any junior mortgage
 2665 or lien claimant or to the former property owner. To be
 2666 considered for funds when they are distributed, you must file a
 2667 notarized statement of claim with this office within 120 days of
 2668 this notice. If you are a lienholder, your claim must include

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2669 the particulars of your lien and the amounts currently due. Any
2670 lienholder claim that is not filed within the 120-day deadline
2671 is barred.

2672 A copy of this notice must be attached to your statement of
2673 claim. After the office examines the filed claim statements, it
2674 will notify you if you are entitled to any payment.

2675 Dated:

2676 Clerk of Court

2677 Section 58. Subsection (1) of section 717.1382, Florida
2678 Statutes, is amended to read:

2679 717.1382 United States savings bond; unclaimed property;
2680 escheatment; procedure.—

2681 (1) Notwithstanding any other provision of law, a United
2682 States savings bond in possession of the department or
2683 registered to a person with a last known address in the state,
2684 including a bond that is lost, stolen, or destroyed, is presumed
2685 abandoned and unclaimed 5 years after the bond reaches maturity
2686 and no longer earns interest and shall be reported and remitted
2687 to the department by the financial institution or other holder
2688 in accordance with ss. 717.117(1) and (5) ~~ss. 717.117(1) and (3)~~
2689 and 717.119, if the department is not in possession of the bond.

2690 Section 59. Paragraph (c) of subsection (10) of section
2691 766.302, Florida Statutes, is amended to read:

2692 766.302 Definitions; ss. 766.301-766.316.—As used in ss.
2693 766.301-766.316, the term:

2694 (10) "Family residential or custodial care" means care
2695 normally rendered by trained professional attendants which is
2696 beyond the scope of child care duties, but which is provided by
2697 family members. Family members who provide nonprofessional

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2698 residential or custodial care may not be compensated under this
2699 act for care that falls within the scope of child care duties
2700 and other services normally and gratuitously provided by family
2701 members. Family residential or custodial care shall be performed
2702 only at the direction and control of a physician when such care
2703 is medically necessary. Reasonable charges for expenses for
2704 family residential or custodial care provided by a family member
2705 shall be determined as follows:

2706 ~~(c) The award of family residential or custodial care as~~
2707 ~~defined in this section shall not be included in the current~~
2708 ~~estimates for purposes of s. 766.314(9)(c).~~

2709 Section 60. Paragraph (c) of subsection (9) of section
2710 766.314, Florida Statutes, is amended to read:

2711 766.314 Assessments; plan of operation.—

2712 (9)

2713 (c) If the total of all current estimates equals or exceeds
2714 100 ~~80~~ percent of the funds on hand and the funds that will
2715 become available to the association within the next 12 months
2716 from all sources described in subsection ~~subsections~~ (4) and
2717 paragraph (5)(a) ~~(5) and paragraph (7)(a)~~, the association may
2718 not accept any new claims without express authority from the
2719 Legislature. ~~Nothing in~~ This section does not preclude ~~precludes~~
2720 the association from accepting any claim if the injury occurred
2721 18 months or more before the effective date of this suspension.
2722 Within 30 days after the effective date of this suspension, the
2723 association shall notify the Governor, the Speaker of the House
2724 of Representatives, the President of the Senate, the Office of
2725 Insurance Regulation, the Agency for Health Care Administration,
2726 and the Department of Health of this suspension.

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2727 Section 61. The Division of Law Revision is directed to
2728 prepare a reviser's bill for the 2025 Regular Session of the
2729 Legislature to change the term "Division of Investigative and
2730 Forensic Services" wherever the term appears in the Florida
2731 Statutes to "Division of Criminal Investigations."

2732 Section 62. The Florida Birth-Related Neurological Injury
2733 Compensation Association shall, in consultation with the Office
2734 of Insurance Regulation and the Agency for Health Care
2735 Administration, provide a report to the Governor, the Chief
2736 Financial Officer, the President of the Senate, and the Speaker
2737 of the House of Representatives by September 1, 2024, which
2738 shall include, but not be limited to, all of the following:

2739 (1) Recommendations for defining actuarial soundness for
2740 the association, including options for phase-in, if appropriate.

2741 (2) Recommendations for timing of reporting actuarial
2742 soundness and to whom it should be reported.

2743 (3) Recommendations for ensuring a revenue level to
2744 maintain actuarial soundness, including options for phase-in, if
2745 appropriate.

2746 Section 63. Except as otherwise expressly provided in this
2747 act, this act shall take effect upon becoming a law.